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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Report on the human rights situation in the Islamic Republic of Iran by the Special Representative of the Commission on Human Rights, Mr. Reynaldo Galindo Pohl, pursuant to Commission resolution 1991/82

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INTRODUCTION

1. At its forty-seventh session, the Commission on Human Rights, in its resolution 1991/82 of 7 March 1991, welcomed the full cooperation extended by the Government of the Islamic Republic of Iran to the Special Representative, which had reached its highest level, as well as the intention of the Government to continue its full cooperation with the Special Representative; called upon the Government of the Islamic Republic of Iran to comply with international instruments on human rights, in particular the International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran was a party, and to ensure that all individuals within its territory and subject to its jurisdiction, including religious groups, enjoyed the rights recognized in those instruments; took note of the invitation extended by the Government of the Islamic Republic of Iran to the International Committee of the Red Cross to visit prisons in that country following the conclusion, as soon as possible, of an agreement in accordance with standard Red Cross modalities; endorsed the view of the Special Representative that the question of displaced persons and refugees as well as victims of chemical weapons in the Islamic Republic of Iran could fall within the mandate of the Special Representative and could be covered in his report; invited the Secretary-General to respond favourably, in accordance with the normal practices of the Centre for Human Rights, to requests for technical assistance from the Government of the Islamic Republic of Iran; requested the Special Representative to maintain his contacts and cooperation with the Government of the Islamic Republic of Iran and to report on further progress with regard to the recommendations contained in his report, on the basis of his mandate pursuant to Commission on Human Rights resolution 1984/54 of 15 March 1984; and also requested him to submit a report to be considered by the Commission at its forty-eighth session. The resolution further stated that the Commission would consider the report with a view to its discontinuing the mandate if there was further progress achieved regarding the Special Representative's recommendations. Lastly, the Commission requested the Secretary-General to give all necessary assistance to the Special Representative. In its decision 1991/261 of 31 May 1991, the Economic and Social Council approved the requests contained in that resolution.

2. In the light of the mandate entrusted to him by the Commission in resolutions 1984/54 and 1991/82 the Special Representative has continued to receive pertinent information from governmental and non-governmental sources and has transmitted such information to the Government of the Islamic Republic of Iran for comments and observations. He has also had a series of oral and written contacts with the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva and has undertaken a third visit to the country, from 8 to 14 December 1991.

3. The present report follows the pattern of previous reports and is divided into four chapters: I. Communications between the Government of the Islamic Republic of Iran and the Special Representative; II. Information received by the Special Representative; III. Report on the third visit to the Islamic Republic of Iran; IV. Conclusions and Recommendations. Various annexes complete the information on events and allegations referred to in the main body of the report.

I. COMMUNICATIONS BETWEEN THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN AND THE SPECIAL REPRESENTATIVE

A. Oral communications

4. The Special Representative travelled to Geneva in June and September 1991 for consultations at the Centre for Human Rights on questions pertaining to his mandate. During those visits he had extensive conversations with the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva, Ambassador S. Nasseri, on 14 June and 30 September. The discussions concentrated on how best to implement the mandate as contained in the two above-mentioned resolutions, and on the recommendations contained in his previous report to the Commission on Human Rights (E/CN.4/1991/35). The Special Representative emphasized inter alia that in order for him to be able to assess and report on further progress with regard to those recommendations, as mandated by the Commission, it would be necessary to make a third visit to the country.

B. Written communications

5. By letter dated 22 April 1991, the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva informed the Special Representative that:

> "on the occasion of 1st April (12th of Farrardin), marking the day of the establishment of the Islamic Republic of Iran, 124 convicts of the Public, Revolutionary and Military courts in 15 cities of Iran were freed or their sentences were commuted, as proposed by Ayatollah Yazdi, the Head of Judiciary and agreed upon by Ayatollah Seyed Ali Khomenei, the Leader of the Islamic Republic of Iran".

6. On 14 June 1991 the Special Representative addressed the following letter to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva:

> "... In the framework of the co-operation which your Government accords to my mandate I should like to bring to your attention that I have received reports concerning Ms. Farzneh Amouyi, who has been in detention since the end of 1981. According to the information provided, Ms. Amouyi had a mental breakdown allegedly as a result of ill-treatment in prison. It was also reported that she does not appear to be receiving any psychiatric treatment and is said to be beaten as a punishment for behaviour due to her illness, such as refusing to eat, wash or look after herself. Ms. Amouyi is aged in her early 30s and is reportedly held in Evin Prison.
>
> "I would be most grateful if you could provide me with full information on her situation including her trial or, possibly, release. Should Ms. Amouyi continue to be detained I would further appreciate receiving assurances that her right to physical and mental integrity is protected and that she receives humane treatment as well as every medical attention required by her condition." (See also Annex VI)

7. On 30 September 1991 the Special Representative handed to the Permanent Representative an aide mémoire, requesting information prior to his third visit to the country, as follows:

> "1. Please provide a list of all persons executed since the beginning of the year 1991, specifying in each case: (a) the charge resulting in conviction; (b) the tribunal, date and place of sentencing; and (c) the date, place and manner of execution.
>
> "2. With respect to the cases of Ali Ardalan, Abdol Ali Bazargan, Habib Davaran, Khossro Mansourian, Nezamedine Movahed, Hashem Sabaghian, Shams Shahshahani, Mohammad Tavassoli Hojati and Akbar Zarrinehbaf, who were recently tried and sentenced, please indicate: (a) the specific provisions of Iranian penal legislation forming the basis of the charge and conviction in each case; (b) the specific provisions of Iranian judicial legislation forming the basis of the procedure of trial in each case; and (c) the possibilities of appeal available in each case. In addition, please provide a copy of the transcript of the sentence in each case.
>
> "3. As concerns Iranian law governing access to, and the rights of, an attorney-at-law before the Revolutionary Courts, please specify the present status of the law.
>
> "4. With regard to publicity of trials before the Revolutionary Courts, please specify the present situation.
>
> "5. In relation to recent reports indicating changes to regulations and practices concerning the publication of books and journals, please specify the content of such changes.
>
> "6. Please provide all information concerning the present situation of negotiations with the International Committee of the Red Cross relating to prison visits.
>
> "7. Please indicate those measures which have been taken to introduce the technical amendments to the Iranian Penal Code recommended in the latest report to the Commission on Human Rights (E/CN.4/1991/35, para. 494).
>
> "8. Please indicate any other measures which may have been taken in relation to the recommendations contained in the report to the Commission on Human Rights referred to above."

8. On 1 October 1991 the Special Representative addressed the following telegram to the Minister for Foreign Affairs of the Islamic Republic of Iran:

> "In the framework of the cooperation which your Excellency's Government accords to my mandate, I should like urgently to bring to your personal attention reports I have received concerning the state of health of Mr. Ali Ardalan who is said to be held at the present time at the Komiteh Mushtarak Prison in Tehran. According to these reports, Mr. Ardalan's precarious health has seriously deteriorated in recent

> days. His weight is now reported to be only 48 kilograms and in addition to his heart disease he is said to be suffering from kidney failure, hypotension, prostate problems, fainting spells and deteriorating eyesight. Reportedly he was recently examined by a prison doctor, who recommended his hospitalization in order for him to undergo surgery for the installation of a pacemaker, but such hospitalization was allegedly denied by the authorities.
>
> "In view of the reported circumstances, and given the advanced age of Mr. Ardalan, I am taking the liberty of appealing to your Excellency to intervene urgently with the competent authorities in order to ensure that Mr. Ardalan receives every medical attention required by his condition."

9. By letter dated 1 November 1991, the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva transmitted the following information to the Special Representative:

> "With reference to your cable regarding the health situation of Mr. Ali Ardalan and the concern expressed thereof, I have the pleasure to inform you that he was taken to the hospital and underwent necessary medical examinations. He is now convalescing in his own house."

10. On 1 October 1991, the Special Representative addressed a letter to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva in which he stated:

> "... I am most grateful for the assurances you gave me that your Government will extend an invitation to me to visit the Islamic Republic of Iran before the completion of my next report to the Commission on Human Rights. In order to facilitate the process of determining a mutually convenient date for the visit, I would like to reiterate the indication I gave you yesterday that I definitely have to submit my next report to the competent services of the United Nations for translation and further processing on 20 December 1991 at the latest. I wish to add that I consider it of utmost importance that my report for once be available to the Commission on Human Rights in time and in all languages. Furthermore, I should like to mention that my own schedule of professional obligations does not permit me to travel during the period from 10 to 30 November 1991."

11. On 2 October 1991 the Special Representative addressed the following letter to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva:

> "...I should like to transmit to you herewith a memorandum containing the allegations of human rights violations which I have received since the last renewal of my mandate as Special Representative of the Commission on Human Rights.

> "I would be most grateful if these allegations could be investigated by the competent Iranian authorities and if I could be informed of the results of such investigations, as well as of any comments or observations your Government might wish to make thereon, if possible before 30 November 1991."

12. By letter dated 11 October 1991, the Permanent Representative informed the Special Representative that:

> "on the occasion of the birthday of the prophet of Islam, 702 convicts of public, revolutionary, military and special courts of clergy were freed or their sentences were commuted, as proposed by Ayatollah Mohammad Yazdi, the Head of Judiciary and agreed upon by Ayatollah Seyed Ali Khomenei, Leader of the Islamic Republic of Iran."

13. In reply, the Special Representative wrote to the Permanent Representative on 18 October 1991 as follows:

> "You may be assured that I shall certainly take this important information into account in the preparation of my report to the forthcoming session of the Commission on Human Rights. In this regard, I would be grateful if you were to provide me with more precise information on the 702 freed convicts. In particular, I would be interested in receiving:
>
> (a) a full list of names, indicating for each person the date and content of the sentence;
>
> (b) the charges having resulted in conviction;
>
> (c) the court(s) having convicted and sentenced each person; and
>
> (d) the content of the commutation order in each case."

14. By letter dated 15 October 1991, the Permanent Representative informed the Special Representative that "Mr. John Pattis, a United States citizen, who was imprisoned in 1987 on spying charges, has been set free and flown to his country" (see E/CN.4/1991/35, para. 427).

15. On 1 November 1991, the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva addressed the following letter to the Special Representative:

> "Pursuant to the note dated 16 January 1991 I have pleasure to inform you that on 3 October 1991 the Council for the Determination of Exigencies of the State (a body which is empowered to give binding ruling on disputes between the Parliament and the Council of Guardians) has passed a bill containing a single article in connection with the right of the parties to a legal case to appoint an attorney. May I remind you that the bill, which was originally approved by the Parliament on

31 December 1990, later on was disputed by the Council of Guardians (a body of theologians and jurists who are required to affirm that any new proposed legislation is not in conflict with the principles of Islamic Law and the Constitution). The matter was brought up in the Council for the Determination of Exigencies of the State and the final text which was approved reads as follows:

"Single Article. The parties to a legal case have the right to appoint an attorney and all courts which are formed according to the Law are obliged to receive the attorney.

"Sub-article 1. The parties to a legal case in the Special Court for the Clergy also have the right to appoint an attorney. For this purpose the court designates a number of competent clergymen as attorneys. The defendant may choose any one of them for the defence.

"Sub-article 2. If a court denies the right of a party to appoint an attorney, with the approval of the Supreme Court, the verdict issued shall be considered as null and void. This failure for the first time shall be punishable according to the third degree of disciplinary punishment and for the second time by dismissal from judicial post."

16. On 15 November 1991 the Special Representative addressed the following letter to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva:

"I should like to refer to my letter dated 1 October 1991 in which I expressed my appreciation for the assurances you gave me that your Government will extend an invitation to me to visit the Islamic Republic of Iran before the completion of my next report to the Commission on Human Rights.

"In the same letter I also indicated to you the time periods which could be considered for the visit, i.e. the period October to mid-November and the first half of December 1991.

"In view of the fact, which I also mentioned in my previous letter, that my report has to be submitted to the translation services of the United Nations on 20 December 1991 at the latest and since I have not received any further notice from your Government, I would be grateful if you could let me know at your earliest convenience whether it is still the intention of your Government to invite me, keeping in mind that under the circumstances the only period left for my visit would be the first half of December. I wish to emphasize that it would not be possible for me to envisage a visit at a later moment given the time constraints dictated by the dates of the forty-eighth session of the Commission on Human Rights.

"I also wish to remind you of my letter dated 2 October 1991 by which I transmitted to you a memorandum containing the allegations of human rights violations which I had received since the last renewal of my mandate and on which I requested comments or observations from your

> Government before 30 November 1991. You will further recall that during our conversation in Geneva on 30 September 1991 I handed to you an aide mémoire containing a number of questions on which I would appreciate receiving specific answers. For ease of reference I enclose a copy of that aide mémoire. One of the questions raised therein concerned the recommendations included in my last report to the Commission on Human Rights. Since resolution 1991/82 specifically mandates me to report on further progress with regard to these recommendations I would like to reiterate my request to your Government to provide me with information on all the measures taken in relation to the implementation of my recommendations so that I would be in a position to take these measures fully into account in the process of finalizing my report."

17. On 3 December 1991, the Permanent Representative replied as follows:

> "I regret that due to your preoccupations in the month of December, only one date in this month could be proposed by you for your visits to Iran such that even a minor adjustment would apparently run into your other prearranged schedule. As you are aware, the Ministry of Foreign Affairs is in charge of the coordination of your visits to Iran and, as you have been informed, most of the officials in charge of this matter are accompanying our President on a trip abroad, therefore the arrangements for your visit under these conditions within the time limit that you have proposed would be extremely difficult. Yet on the basis of our good will and in furthering the full cooperation on our part and noting that your visit this time is only in the context of verifying further progress vis-à-vis your recommendation, the Ministry for Foreign Affairs will make every effort to arrange preparation to receive you in Tehran at any time that you desire."

18. On 5 December 1991 the Special Representative addressed the following letter to the Permanent Representative:

> "I should like to express my appreciation to your Government for having invited me to make a third visit to Tehran during the period 8 to 14 December 1991.
>
> "...
>
> "I am attaching the tentative programme of activities which I intend to carry out during my visit and would be most grateful if the requested appointments with the authorities indicated therein could be arranged.
>
> "I would of course be greatly honoured if in addition I could be received by His Excellency the President of the Islamic Republic of Iran, if possible, and at his convenience.
>
> "The terms of reference of my visit remain identical to those described in the annex to the letter I addressed on 24 November 1989 to the Permanent Representative of the Islamic Republic of Iran to the United Nations.

"I am enclosing the summary of allegations I have received since August 1991, updating those reflected in the memorandum I communicated to you by letter dated 2 October 1991.

"I would be most grateful if I could receive the comments of your Government on the allegations contained in both memoranda during my forthcoming visit to Tehran."

19. On 18 December 1991 the Permanent Representative addressed the following letter to the Special Representative:

"Following the discussion we had during your recent visit in Tehran and your concern and special attention expressed thereof to the "Fatwa" (religious verdict) of the late Imam Khomenei on the author of the blasphemous book The Satanic Verses I would like to indicate that:

"In the aftermath of the publication of The Satanic Verses the Muslim people of the world who considered the content of the book as an affront to the sacred principles of Islam expressed their protest and hatred towards the author through organizing vast demonstrations. Indeed the publication of the book severely provoked the sentiments of Muslims throughout the world and as a result of violence and clashes in some Islamic countries many were killed or injured. Here are some reported cases:

"IRNA (Islamic Republic News Agency) reported on 11 February 1989 that 35 Muslim Ulama (clergymen) of the cities of Ravelpendi and Islamabad in Pakistan issued a statement condemning the publication of The Satanic Verses and invited the people to participate in a protest demonstration against it.

"On 5 February 1989 the Voice of America in its Persian programme announced that according to New York Times the Muslims participated in a vast demonstration in Islamabad protesting against Salman Rushdie. During this demonstration five people were killed and some others were injured.

"According to the reports of various international news agencies in the period after the appearance of The Satanic Verses and before the issuance of the religious verdict of Imam Khomenei there were numerous demonstrations in many Islamic countries including Indonesia, Algeria, United Arab Emirates, Mali, Bahrain, Bangladesh, Sri Lanka, India, Senegal, Sudan, Somalia, and Malaysia in protest at the insult to the sacred values of Muslims throughout the world.

"As you may agree, Sir, in consideration of the case of Salman Rushdie all aspects of the subject should be taken into account including the direct insult to the most sacred values of Muslim people and the right to life of those who lost their life in protest at this criminal act of Salman Rushdie.

> "Therefore, in the light of the aforementioned, I would like to request that in addressing this issue in your report to the Commission on Human Rights you take also into account the violation of the right of life of Muslims and the abuse of the right of expression. It goes without saying that one cannot pass a judgement on the case without considering all aspects involved in the issue."

20. Also by letters dated 18 December 1991, the Permanent Representative transmitted a list of violations committed by the personnel of prisons (see annex III) and a list of persons (and their crimes) executed during 1991 after due judicial procedures (see annex IV).

21. By a further letter dated 18 December 1991 the Permanent Representative forwarded the text of two letters from the Director of the Department for Human Rights and International Social Affairs of the Ministry of Foreign Affairs of the Islamic Republic of Iran on the role of development in the promotion of human rights and terrorist activities in Iran, as well as a letter from the association of the families of the victims of the airbus which was shot down on 3 July 1988 in a flight over the strait of Hormoz by a missile fired from the American warship USS Vincennes.

II. INFORMATION RECEIVED BY THE SPECIAL REPRESENTATIVE

22. The following paragraphs contain allegations of human rights violations received by the Special Representative and transmitted to the Government of the Islamic Republic of Iran by memoranda dated 2 October and 5 December 1991. Replies regarding some of the alleged incidents and cases were received during the Special Representative's visit to the country and are reflected in chapter III. Other replies received have been reproduced in Chapter I or in the annexes. Relevant references are given in the present chapter in connection with the respective allegations.

A. The Right to Life

23. During 1991 the number of executions in the Islamic Republic of Iran were said to have been particularly high. A total of 884 executions were reported during the period between 1 January and 7 December 1991.

24. Most of the reported executions were said to have been related to drug offences, and were mainly carried out by public hanging. Based largely on reports published in Iranian newspapers identifying 680 cases (over 76 per cent) by name, the criminal charges resulting in the executions were reportedly as follows: 651 for drug trafficking; 19 for drug trafficking and arms dealing; 28 for murder; 3 for a combination of murder and rape; 3 for murder and prostitution; 25 for political reasons; 7 for armed robbery; 15 for a combination of gang-related crimes including distribution of narcotics, homicide, armed robbery, terrorizing local people, blackmail, illegal possession of arms, gambling and other corrupt activities. One unnamed judge was executed for taking bribes and a woman was executed for adultery. For a further 131 executions, no reasons were reported.

25. As regards particularly cruel methods of execution, mention must be made of three alleged cases of stoning to death, as well as the case of a man reportedly pushed from a cliff top in July 1991.

26. Specific cases of application of the death penalty since 1 January 1991 have been reported as follows. All the names and dates given have been published in the Iranian press.

27. On 6 January 1991, four persons, including one woman, were hanged in Nahavand, Hamadan province, after being found guilty of the possession and distribution of narcotics. Their names were given as follows: Neek Mahmood Parsa, Hadi Ahmadvand, Abdulmorad Momivand and Eshrat Hafez Abadi.

28. On 12 January 1991, three drug traffickers were hanged in Hamadan after being sentenced to death by the Islamic Revolutionary Court of Hamadan. The three men were found guilty of possessing and distributing narcotics.

29. On 13 January 1991, seven persons were executed in Sanandadj, reportedly for political reasons. Their names were given as follows: Farajollah Menbari, Shapour Shariati, Shahriar Assadi-Moghadam, Khaled Benafchi, Ayoub Zandi, Ebrahim Moasi and Sanan Hakimi.

30. On 14 January 1991, 24 persons, including five women, were executed in Mashhad, after being found guilty of the possession and distribution of narcotics. Their names were given as follows: Ahmad Goolbakhshi, Ghorban Hooshangi, Esmael Rezai Olfat, Deen Mohammad Roohi Abadi, Reza Dozdmeh Naroui, Mohammad Ebrahim Mohammadi, Mohammad Asaf Safi, Marjan (Efat) Sanjaripour, Narges Oftadeh, Maryam Naji, Zahra Oftadeh, Ali Akbar Khalili, Behrooz (Yahya) Sadeghi, Mehdi Samarghandi, Ali Asghar Ghassemi, Mahmood Jafari, Seyed Hossein Ghassemi, Asaf Afghani, Gholam Ali Gheisarnia, Aziz Habibi, Mohammad Anvar Mohammadzahi, Hossein Hatamirad, Fatemah Maziyani and Gholamreza Mohammadi.

31. On 15 January 1991, 13 drug traffickers were hanged in Hamadan after being sentenced to death by the Islamic Revolutionary Court of the city. The 13 were found guilty of the possession and distribution of several kilograms of heroin and opium. Over 25 kg of opium, several weapons and 15 vehicles were seized. According to the Tehran Times, a number of those executed had confessed to smuggling drugs to European countries through the north-western border. Their names were given as follows: Najafali Eskandari, Ali Akbar Ibn Youssef, Daryoush Ebrahimi, Ahmad Ramezani, Taymoor Razavi, Zoli Soltani, Saied Ghassemzadeh Tehrani, Ali Mirzai, Hashem Alizadeh, Mohammad Reza Amin, Saied Tavakoli, Mustafa Mansoori Siyavoush and Ahmad Abassi.

32. On 23 January 1991, four drug traffickers were executed in Qouchan. Their names were given as follows: Barat Ali Hasanzade, Ibrahim Soleymanzade, Sultan Ali Rahimi and Noorallah Asgharyan.

33. On 26 January 1991, three persons were executed in Chah Bahar on charges of murder and prostitution. Their names were given as follows: Delmorad Hoti, Majid Balochi and Halok Balochi.

34. On 26 January 1991, four persons were executed in Neishabour on charges of drug trafficking. Their names were given as follows: Abbas Saleh Vakili, Husine Khaleghi, Reza Lashghari and Abbas Ali Ghorgh.

35. On 26 January 1991, Djamshid Bahari was executed in Andimeshk on drug trafficking charges.

36. On 28 January 1991, 18 persons were executed in Bakhtaran. No reasons were given for their execution.

37. According to reports in Keyhan, Khalil Abedi and Esa Righipoor were sentenced to 74 lashes and the death penalty for drug trafficking; they were said to have been executed in Bandar-Abbas on 28 January 1991.

38. In addition to the names mentioned above, the names of other persons reportedly executed during the month of January were given as follows: Farhad Shabrandi, Layegh Akrami, Mohammad Sharifi, Saadollah Maghrouzi and Manocher-Afghani Dazeky, executed in Kirmanshah for political reasons; Yusef Akbari, Rasul Amiri Morad, Ghasem Khalaj, Almas Shafiyan, Hamidollah Kamazani and Assadollah Takashvand, executed in Hamadan for drug trafficking; Ismael Ardambohi, Abdolali Zargherani, Ali Khatabi, Hasan Noorozi and Ezeth Doberar, executed in Neichabour for drug traficking; Abdolrezagh Barkzehi, executed in Behbahan for drug trafficking; Shokrallah Biggie, Mangool Naseri and Seyed Mohammad Ghasemi, executed in Isfahan for drug trafficking; Hamid Elyasi Radpour and Sahereh Barahooie, executed in Zahedan for drug trafficking; Ghasem Nikravesh, Aziz Shahbazi, Gholkan Zeri, Ahmadshah Afghani, Miryahya Afghani, Lal Mohammad Gholbache, Shiri Teymori and Abdul Ghader Ghaderi, executed in Mashhad for drug trafficking; and Mohammed Ali Fazli, executed in Orumieh for reasons unknown.

39. On 3 February 1991, 17 persons were executed in Neichabour on charges of drug trafficking. Their names were given as follows: Mohammad Ali Semsali, Alikhan Akbar Panah, Falaknaz Khodadadi, Faiz Mohammad Chopan, Salar Khodadadi, Aminallah Pahlavan, Ghorban Ali Pahlavan, Vakil Ibrahimi, Sakhi Makoei, Abotaleb Mansori, Abdol Ali Kheirabadi, Husine Zorabadi, Ghorban Ali Rivandehi, Sadrallah Ghamirabadi, Mohammad Reza Hasanpoor, Gholam Husine Moallemi and Rohallah Emdaddehi.

40. On 3 February 1991, six persons were executed in Karadj on charges of drug trafficking. Their names were given as follows: Avaz Karimi, Ismael Tajik, Gholam Shokri, Asghar Saljoghi, Jozali Khazaei and Mashallah Momeni.

41. On 3 February 1991, six persons were executed in Racht on charges of drug trafficking. Their names were given as follows: Ibrahim Kazemian, Mohammad Nayer Keyani, Reza Pir Mojdehi, Ahmad Mirzaei, Zara Kazemzade and Homayon Rezaei.

42. On 3 February 1991, Ibrahim Khoshkho, Noor Mohammad Beyhaghi and Husine Alamdar were executed in Qouchan on charges of drug trafficking.

43. On 20 February 1991, 27 persons were executed in Torbat-e Jam. No reasons were given for their execution.

44. On 25 February 1991, 10 persons were executed in Bakhtaran after being sentenced to death by the Islamic Revolutionary Court of Bakhtaran for distributing drugs. According to Keyhan of 28 February 1991, their names were as follows: Rahmatollah Kakavandi, son of Jan-Mohammad; Ahmad Hemati, son of Tahmasb; Mohammad-Hasan Afzali, son of Kheydan; Ezzat-Ali Moemeni, son of Kheyrollah; Ezzatollah Jabbari, son of Jabbar-Ali; Ebrahim Mehr-Afrouz, son of Shafie; Gholam Valizadeh, son of Mohammad; Mohammad Rezaii, son of Morad; Azad-Khan Rezaii, son of Baba-Rad; and Mohammad Hosein Rahimi, son of Hamid.

45. On 27 February 1991, six persons were executed in Evin prison in Tehran on charges of armed robbery. Their names were given as follows: Ahmad Asghari, Yaghob Ali Karimi, Mohammad Nasim Ghasemi, Gholam Hazrat Ataei, Ghol Mohammad Sakhavat and Gholam Momanie.

46. On 27 February 1991, Mr. Ali-Khan Mazaher-Zehi, son of Shah-Beyg, aged 42, was executed in Gorgan on the charge of possession of 4 kg of heroin.

47. On 28 February 1991, nine persons were executed in Mashhad. The names and ages of those executed after being found guilty of possession and distribution of narcotics were as follows: Hasan Mattaleh, son of Alahverdi, aged 28; Amir Yousefi, son of Najaf, aged 28; Shir-Ali Jahedi, son of Mir-Ali, aged 27; Mollah Mohsen Khavafii-Sariani, son of Gholam-Reza, aged 34; Aziz Shah-Mohammadi, son of Karim, aged 20; Hosein Ghorbani, son of Davar, aged 56; Ali-Akbar Sattar, son of Hosein, aged 28; Ismaiil Salehi, son of Hasan, aged 80; Mohammad Roshani, son of Sar-Afraz, aged 58.

48. On 28 February 1991, two persons were executed in Racht. Their names were Ramazan-Ali Dehghane-Moghadamme-Sharestani, son of Abolghasem, and Mehdi Atash-Afrouz, son of Yadollah. They were found guilty of procuring and distributing more than 10 kg of heroin and opium.

49. On 28 February 1991, nine persons were executed in Sirjan. Their names were as follows: Daryush Hamzeii, son of Gang-Ali; Mohammad Sadaghat (Mahmmoud), son of Hosein; Jan-Ali Barehi-Nezhad, son of Amir-Ali; Ghorban-Ali Bani-Asadi, son of Kaeb-Ali; Hedayatollah Khojasteh-Nezhad, son of Zolf-Ali; Amrollah Ghasemi, son of Gholam-Hosein; Mansour Salimpour Jalali, son of Ismaiil; Hosein Balaghi Inan-Lou, son of Iraj; and Iraj Najmod-Dini, son of Kaeb-Ali. They had been found guilty of drug trafficking and of procuring and distributing arms. Their properties were also confiscated.

50. On 28 February 1991, five persons were executed in Zahedan. No reasons were given for their execution.

51. In addition to the names cited above, the names of other persons reportedly executed during the month of February were given as follows: Ruhanikhah and Mohri, executed in Qom for political reasons; L. Iraj and Hamze Ali, executed in Tehran on charges of murder; Rahnama, executed in Qouchan for drug trafficking; Reza Anayat, executed in Ghorgan for drug trafficking; and Akhtan Mohammad Kakavand and Mahmood Yornorozehi, executed for drug trafficking.

52. On 4 March 1991, nine persons were executed in Isfahan on charges of drug trafficking. Their names were given as follows: Khod Morad Borji, Ismael Tavakol, Yadallah Kamaldini, Melahet Taranejad, Asghar Ghanbari, Nosratallah Salmani, Seyedali Akbar Ghazi, Abdolraof Mazarei and Hatam Zanaki.

53. On 5 March 1991, 28 persons were executed in Tehran on charges of drug trafficking. Their names were given as follows: Ali Safari, Akbar Ahmad, Sadegh Konjkar Khoshakhlagh, Mohammad Ali Khosh Ghoftar, Hasan Molla Mirzaei, Jan Mohammad Samani, Ali Ghaeni, Lael Mohammad-Tajik Tajik, Seyed Zaher Hashimi, Ali Ahmad Abdullahi, Abbas Navaei, Gholam Hazrat, Jafar Moheb Alizadeh, Eyde Mohammad Yosefi, Hasan Yosefi, Rajab Ali Torghan, Gholam Husine Torghan, Mohammad Ali Shakeri, Mostafa Eywazi, Mohsen Karbala Ghasem, Michel Khan Banghesh, Jafar Ghorbani, Bahram Heydarnejad, Ali Mohasheghi, Seyfalrahman Seyed Morad, Mostafa Moradi, Mehdi Mohtashami and Abdolghadir Safari.

54. On 5 March 1991, 10 persons were executed in Bakhtaran. No reasons were given for their execution.

55. According to the Tehran Times, nine professional drug traffickers were executed on 6 March 1991 in Isfahan upon verdicts of the Islamic Revolutionary Court, endorsed by the prosecutor-general. They were condemned to death for possession of and dealing in some 522 kg of opium and heroin. One of them was an Afghan national.

56. On 9 March 1991, four persons were executed in Bojnourd. According to Keyhan of 10 March 1991, the names and crimes of those executed in Bojnourd were as follows: Khodaverdi Paliz, son of Heydar-Ali, found guilty of buying and selling 15 kg of heroin and three bags of opium. By-Mohammad Rastgari, son of Nourod-Din, found guilty of participation in the buying and selling of 15 kg of heroin and three bags of opium, and buying and selling 4.7 kg of heroin, on two different occasions; Ali-Mohammad Davari, son of Mohammad, found guilty of buying and selling 1.1 kg of heroin; Mohammad Neyestani, son of Vali, found guilty of buying and selling 43 grams of heroin. The named persons were each executed according to a decision of the Islamic Revolutionary Court in Bojnourd.

57. On 9 March 1991, four persons were executed in Karadj. No reasons were given for their execution.

58. On 9 March 1991, four persons who had allegedly committed premeditated murder were hanged in Ghasre central prison in Tehran. According to Keyhan of 10 March 1991, their names and crimes were as follows: Hassan, son of Khodaverdi, found guilty of the murder of Seyyed Zaer Mirzaii; Hamid, son of Jahanbakhsh, found guilty of the murder of Mahmoud Teymour-Bourian; Behrouz, son of Vallyollah, found guilty of the murder of Ali Ghasem-Ali; Mehdi, son of Shams-Ali, found guilty of the murder of Mohammad Torabi. The death sentence of a fifth person, Ahmad Imanpour, who had allegedly committed premeditated murder, was commuted with the consent of the family of the victim.

59. On 10 March 1991, 29 persons, including two women, were executed in Ghasre central prison in Tehran. According to Etelaat of 11 March 1991, these individuals had allegedly procured and distributed drugs for many years. Up until the time of their arrest they had allegedly distributed a total of 3,300 kg of narcotics. Their names were as follows: Hamid Nazari, son of Mohammad-Karim; Abdolmomen Hashemi, son of Ghalandar; Abdolkheyo Sharifi, son of Khodad Bakhsh; Abdol-Ali Nour-Ali, son of Nour-Ali; Rahim Karim, son of Karim; Shamsoddin Mousavi, son of Sadroddin; Shamsi Akbari-Tehrani, daughter of Nasrollah; Batoul Dezfouli, daughter of Gholam; Kamran Rashid, son of Mohammad-Ebrahim; Eslam Saiidi, son of Ghorban-Ali; Jomeh Khan-Ali, son of Rostam; Mohammad Anvar-Jami, son of Mohammad-Osman; Tajbar Yousef-Zehi, son of Gholam-Anvar; Hamid-Baba Morad-Soltani, son of Baba-Morad; Mohammad-Kabir Feyzi, son of Moheb-Khan; Serajoddin Ata-Mohammad, son of Moloud-Dad; Mohammad-Anvar Salem-Jan, son of Mohammad-Alam; Hamidollah Niazi, son of Shah-Mohammad; Shir-Ali Safi, son of Mohammad-Ayoub; Asadollah Jomeh-Khan, son of Abdolkhalegh; Hasan Khalili, son of Bashar; Maeddin Alahverdi, son of Moezzoddin; Mohammad Gol-Mohammad, son of Gol-Mohammad; Abdolkhalegh Senzer-Khalil, son of Abdolmalek; Habib Akbari, son of Mohammad-Akbar; Majid Rahimi, son of Ezzatollah; Abbas Didar, son of Yadollah; Ali Taghavi, son of Ghouch Ali; and Amir-Houshang Shiri, son of Ghazanfar.

60. On 17 March 1991, 34 persons, including a woman and two Afghan nationals, were executed in Mashhad. According to Etelaat and Keyhan International of 18 March 1991, the Islamic Revolutionary Court of Mashhad, Khorasan province, had delivered their sentences on drug trafficking charges. Each of the convicts had been found guilty of the possession, distribution and sale of at least 30 grams of heroin or 5 kg of opium. Their names were given as follows: Soleyman Rakhshani, Abdollah Mazar-Zehi, Abdol-Ghaffar Abbassi, Mohammad-Vali Brahouii, Malek Hasanzadeh, Hasan Eklion, Abdollah Valad-Mohammad, Mohammad Davari, Khodadad Ali-Jani, Seyyed-Mehdi Meshkat, Hosein Mahmoudi Arya, Nazar Defa-Nya, Reza Yousefi, Amanollah Banoufar, Mohammad-Ali Shahraki, Rajab Pour-Ali, Ahmad Amiri, Abolghasem Hasanzadeh, Nader Shaiibi, Abbas Salehi, Rahmat Ravan, Gholam-Reza Ahi, Mohsen Seifollahi, Hakim Mokarrami, Ali-Akbar Yaghoubi, Yousef Habibi, Din-Mohammad Arab-Pour, Gholam-Reza Ghouchani, Hayat Dasar-Far, Mashaallah Yousefi, Hasan Esmaiili, Safar-Ali Arab-Teymouri, Hasan Khazaii Pourang and Hosein Shojaii.

61. On 29 March 1991, six members of a criminal gang were hanged in public in Vali-Asr Square, Zahedan, upon convictions of the Zahedan Islamic Revolutionary Court. According to the Tehran Times of 31 March 1991, those hanged were found guilty of the distribution of narcotics, homicide, armed robbery, terrorizing local people, blackmailing, illegal possession of arms, gambling and other corrupt activities, threatening people and disturbing social order. According to Keyhan of 2 April 1991, their names were: Heydar Hashemzehi, son of Malekdad; Nouroddin Sanjouli, son of Gholam-Ali; Mohammad-Nabi Mourpishi, son of Hasan; Hazrat Tajik, son of Gholam-Heydar; Isa Brahouii, son of Gholam; and Mohammad-Ali Shakib, son of Safar.

62. In addition to the names mentioned above, the names of other persons reportedly executed during the month of March were given as follows: Samad Imamali and Jafar Manouchehri, executed in Jalula for political reasons; Hasan Hussain Gholizade, executed in Tehran for murder;

Ashgar Yusefi, Abbas Tajeek Kurd, Jalil Ghasemi, Afshar Hussainpour, Ali Akbar Hamidi, Yahya Khooshdell, Ali Akbar Salari and Batool Mohammadi, executed in Karaj for drug trafficking; and Gholamreza Janati, Mohammad Gholimarri, Ali Zamani and Ali Akbar Gharmaei, executed in Neyshapoor for drug trafficking.

63. On 4 April 1991, Mohammad Saiidi and Fazlollah Pasha, nationals of Afghanistan, were executed in Ahwaz. According to Keyhan of 5 April 1991, they had in their possession a large quantity of heroin and hashish when arrested.

64. On 4 April 1991, Reza Gore-Tapah Mianji, son of Ahmad, and Ali Mousavi, son of Badal, were executed in Birjand for allegedly procuring and transporting 780 kg of opium.

65. On 4 April 1991, eight drug traffickers, including one woman, were executed in Zahedan on charges of buying and selling drugs and of illegal possession of arms, according to Keyhan of 5 April 1991. Their names were as follows: Abdolsattar Shah-Karam-Zehi, son of Fazlolah; Mohammad Hosein Asef, son of Asef; Alam Amiri, son of Ali; Mohammad Tisheh-Kan, son of Shomouli; Bakhsh-Ali Doganehi, son of Arab-Ali; Seyyed Vali Doganehii, son of Arab-Ali; Khanoum-Zarbanou Narouii, daughter of Shirkhan; and Zaher Ghanbar Zehigargij, son of Mohammad.

66. On 19 April 1991, three nationals of Afghanistan were executed in Karaj on drug trafficking charges. According to Keyhan of 20 April 1991, Bashir Payel-Zahi, son of Mir-Ahmad, born in 1968, was found guilty of buying and selling 5 kg of opium and 350 grams of heroin. Mohkam Babaii, son of Rahmatollah, born in 1969, was found guilty of buying and selling 494 grams of heroin. Vali-Mohammad Khodadadi, son of Akbar, born in 1974, was found guilty of buying and selling 150 grams of heroin.

67. On 19 April 1991, according to a decision of the Islamic Revolutionary Court in Arak, Ghorban-Ali Karimi, son of Haj-Baba, was hanged in Arak on charges of buying and selling 1 kg of heroin.

68. On 22 April 1991, 11 persons were executed in Hamadan. According to Keyhan of 23 April 1991, the names of those executed were as follows: Mohammad Mohri, Mohammad Rahimi, Ali-Reza Soltani, Abdollah Ayadi, Motalleb Khandani, Ali-Ahmad Rostami, Ardeshir Rostami, Mohammad Fathi, Afshar Hajir, Gholam-Reza Nowrouzi and Kheyrollah Jafari. They were executed in the Central prison of Hamadan after having been found guilty of buying and selling more than 1,000 kg of drugs and of being involved in arms trading.

69. On 22 April 1991, four persons were executed in Bojnourd. They were found guilty of buying and selling drugs. Their properties were confiscated.

70. On 22 April 1991, two persons were executed in Racht. No reasons were given for their execution.

71. On 29 April 1991, 24 persons were executed in Mashhad, Khorasan Province. According to Keyhan of 1 May 1991, each of them was found guilty of procuring, distributing and hiding at least 30 grams of heroin or 5 kg of

opium. They were sentenced to death by the Islamic Revolutionary Court of Mashhad. Their names were given as follows: Hasan Ghaffari-Hematabadi, son of Hosein, aged 33; Mohammad Asef Afghani, son of Ismaiil, aged 26; Gholam Jahani, son of Abdalrahman, aged 24; Mohammad-Hosein Arab, son of Najaf-Ali, aged 31; Kazem Albekerd, son of Abdolghaffar, aged 46; Gholam Heydar-Nari, son of Gol-Mohammad; Mohammad Hajizadeh, son of Ramazan, aged 28; Ramazan Haghir, son of Hosein, aged 32; Gholam Afghani, son of Rabbani, aged 36; Rasoul Afghani, son of Zya, aged 31; Ahmad Afghani, son of Yousef, aged 44; Yar-Mohammad Afghani, son of Gholam-Heydar, aged 39; Sakineh Mehdipour; Gholam Reza Ghafari; Morteza Poorhashemi; Mahrokh Afghani; Mirkhan Afghani; Atarallah Barikzehi; Abdolislam Zori; Mohammad Reza Mehreban; Ibrahim Khafali; Hasan Shiri; Ali Mohammad Nematshahi; and Khodbakhshe Khani.

72. On 29 April 1991, 30 persons were executed in Ghasre Central prison in Tehran. They were found guilty of possessing and distributing more than 2,500 kg of drugs. According to Keyhan of 30 April 1991, their names were as follows: Nazar Salar-Zehi, Mousa Hasan-Zehi, Ali-Reza Kord-Bacheh, Mohammad Zahmatkesh, Jebril Sheikhverdizadeh, Hosein Zoud-Fekr, Bahram Jafari, Ataollah Nazari, Mehdi Morteza-Ghasemi, Mazaher Mohammadi Sarghoushi, Ghodrat Zareii-Bijafa, Abdol-Khalil Jajick (Afghani), Ahmad Mohseni, Gholam-Hosein Pourshir, Soleyman Ehsani, Abbass Nowbari, Mohammad-Hosein Tajiki-Afghani, Majid Khatibi, Ali Alavi-Babol-Hakim, Ali-Reza Ahangar Ghorbani, Ali-Gholi Derakhsan, Shahab Mohebbi, Gholam-Reza Hasan-Tafreshi, Reza Raygan, Mohammad Raygan, Rochieh Raygan, Tahere Javan, Sina Javan, Farid-Reza Ayazi and Malek-Mohammad Ebrahimi.

73. In addition to the names mentioned above, the names of other persons reportedly executed during the month of April were given as follows: Reza Ghorghtape Meyanji and Ali Mosavi, executed on drug trafficking charges in Mashhad; Mehdi Khaneyan, executed on charges of murder in Hamadan; and three persons, named Naser, Hasan and Ali, executed on charges of murder in Tehran.

74. On 1 May 1991, 14 persons were executed in Torbat-e Jam. Their names were given as follows: Mohammad Zabouri, son of Nematollah; Barat Shah-Mohammad, son of Mohammad-Khan; Gholam Anvari, son of Fazel; Ahmad Nazari, son of Ali-Mohammad; Mohammad-Omar Afghani, son of Seyyed Mohammad; Rahim Rashidi, son of Karim; Ali Rezaii, son of Hasan; Hosein Rezaii, son of Hasan-Jan; Rahmatollah Ghasemi, son of Habibollah; Jahingir Mehdizadeh, son of Mohammad; Gol-Ahmad Jahan-Beygi, son of Mohammad-Sadigh; Gol-Ahmad, son of Golmir; Barakat Afghani, son of Kadar; and Mohades Afghani, son of Shah-Mohammad. All of them were sentenced on charges of drug trafficking.

75. On 1 May 1991, Ezzatollah Sahraii and Reza Harati were executed in Malayer, convicted of possession and distribution of narcotics.

76. On 1 May 1991, Mohammad Darabi, son of Habibollah, and Hosein Zargari, son of Ismaiil, were executed in Karaj, convicted of buying and selling more than 60 kg of opium.

77. On 1 May 1991, five persons were executed in Kachan on drug trafficking charges. Their names were given as follows: Hasan Rahimi, Morad Rahimi, Ali Reza Gholdar, Parviz Rahimi and Ali Mohammad Sharifzade.

78. On 2 May 1991, a woman named Kobra Mousavi was stoned to death in Ghorveh (Jezin). She was accused of having relations with a Guardian of the Islamic Revolution who served in the Guardian's station in Ghorveh.

79. On 15 May 1991, a group of 40 drug traffickers, including 22 Afghans, were executed in Mashhad following verdicts issued by the Islamic Revolutionary Court. They had been found to be carrying 30 grams of heroin or 5 kg of opium, according to the information provided by the Tehran Times International Weekly of 16 May 1991. Their names were given as follows: Assadallah, Abdulghafor, Sadralddin, Mohammad Ghos, Ahmad Valadshah, Abdul Baghi, Abubakr, Jamshid, Seyed Nasraldin, Mohammad, Ahmad Vali Sofi, Abdul Samad, Abdul Ghani, Bazar, Gholam Heydar, Hazrat, Jome, Rashid, Allah Nazar, Mola Afghani, Heydar Keshmiri, Mehdi Salehi, Majid Moradi, Hasan Vahidi, Baratali Rezaei, Ali Ibrahimian, Heydar Mohammad Ghasemi, Jamshid Azarian, Mohammad Mahsori, Ali Akbar Kheyabani, Ibrahim Ashori, Bahram Kalami, Mohsen Dehghan, Mohammad Bagher Akhteraei, Mehdi Sabonati, Reyhane Ghochani, Ali Soltani, Gholam Husine Delarami, Gholam Husinezade and Mahmod Abadi.

80. On 15 May 1991, five persons were executed in Kachan. A woman over 60 years of age was among those executed. No reasons were given for these executions. According to Keyhan of 23 May 1991, demonstrations were held in Kachan against the executions. According to other sources, most of those executed were subjected to a secret, summary trial, and were not given access to a lawyer. It was reported that some political opponents were among those executed.

81. On 19 May 1991, 24 persons were executed in Mashhad on charges of drug trafficking. Two women and 11 nationals of Afghanistan were among those executed.

82. On 23 May 1991, six persons were executed in Bakhtaran on charges of drug trafficking. Their names were given as follows: Jalil Teshekani, Reza Mirzaei, Masod Moradneya, Shahbaz Ali Akhtari, Allah Bakhshi Mirzaei and Behroz Pooreyan.

83. On 23 May 1991, Mahmood Rostami and Husine Mosayan were executed in Khorramabad on charges of drug trafficking.

84. In addition to the names mentioned above, the names of other persons reportedly executed during the month of May were given as follows: Bahram Hedayeti, executed on charges of murder in Babol; Asheghali Salimzade, executed on charges of murder in Ardabil; Hamid Ghasemi and Rasol Ashorizade, executed on charges of murder in Bandarabbas; and Mohammad Sabori, Barat Shahmohammadi, Gholam Anvari, Ahmad Nazari, Mohammad Omar Afghani, Rahim Rashidi, Ali Rezaei, Husine Rezaei, Rahmatallah Ghasemi, Johanghir Mehdizade, Gholahmad Johanbeyghi, Gholahmad, Barakat Afghani and Mohades Afghani, executed in Mashhad on drug trafficking charges.

85. On 8 June 1991, Dr. Jahangir Salimi, Associate Professor at Tabriz University, was executed. It was said that the Revolutionary Court of Tabriz handed over the body of Professor Salimi to his family upon the payment of five million rials (about US$ 70,000 at the official rate of exchange) and an undertaking not to arrange burial and mourning rituals. It was asserted that the family was forbidden to bury his body in a public graveyard. Professor Salimi had allegedly criticized the Government's economic and social policies in Tabriz University on 16 May 1991.

86. On 30 June 1991, 10 drug smugglers, including an Afghan national, were executed in Mashhad for heroin trafficking, subsequent to death sentences issued by the Islamic Revolutionary Court.

87. In addition, the following executions were reported to have taken place during the month of June: Mahmood Reza Monfared and Siyavoush Ali Mirzaie, executed in Ghasre prison for murder; Nasrollah Saedi and Firouz Bonyani, executed in Karaj for murder; Bager Dehghani, Abdolrazibeh Nasseri, Abdolvakil Youssoufi, Mohammad Hussain Chisaki, Mord Ali Nassiri, Hooshang Niknejad, Ali Ghareh Ghozlooh and Valiallah Ghorban Khanloo, executed in Karaj for drug trafficking; and Ghods Barahooie, Hussain Dadi, Mohammad Esmaeili, Ali Reza Badiei, Mohammad Kaykhah, Javad Barkoordari, Mohammad Namani, Elham (Tehrani) Shelooghom, Ibrahim Asghari, Ghoorbanali Kazemi, Mohammad Ghoos Sarafrazi, Rajabali Eslamifard, Hussain Sookhteh, Nader Reegie, Gholamreza Sookhteh, Mohammad Adelizadeh, Sheer Mohammad Janbaygie, Ali Maghsoodi, Beebak Barahoot, Masooneh Ramezanipour, Showkoor Ahmad Afghani, Amir Saidi, Khan Mohammad Afghani, Ramezan Saidi, Khoodaveri Afghani, Abdulrazagh Afghani, Rahman Afghani, Mohammad Zamani Bajgiran and Ahmad Mokari, executed in Mashhad for drug trafficking.

88. On 3 July 1991, 17 persons were executed in Mashhad, Khorassan province, on drug trafficking charges. Their names were given as follows: Ali Reza Badi'i, Mohammad Kaykhah, Javad Barkhordari, Mohammad Nameni, Elham Veshloqom (known as Tehrani), Ebrahim Asqari, Qorban Ali Kazemi, Mohammad Qos Sarfarazi, Rajab Ali Islamifard, Hossein Sookhteh, Qolam Reza Sookhteh, son of Hossein Sookhteh, Nader Rigi, Mohammad Adelizadeh, Shir Mohammad Jan Baygi, Ali Maqsoodi, Bibak Barahooti and Ms. Massoumeh Ramezanipoor.

89. On 3 July 1991, Morteza Meshkani and Bassir Ahmad Haydari were executed in Neyshapour prison, Mashhad, Khorassan province, on charges of drug trafficking.

90. According to Abrar and Kayhan of 4 July 1991, a man named Reza B. was executed in Ghasr prison, Tehran. No reasons were given for his execution.

91. According to Kayhan of 7 July 1991, 36 persons were executed in Raja'i prison in Karaj, province of Tehran. Their names were given as follows: Validad Akbari, Abdolnabi Naroo'i, Qolam Reza Torabi, Reza Fakhireh, Abdolkhalil Sorori, Mohammad Abbassi, Nasser Naroo'i, Fakhreddin Moussavi, Ahmadyar Mohammad Lashgari, Abdolaziz Payeh Barahoo'i, Hossein Khezli, Abdollah Shahbakhsh, Qodrat A'Ala'i, Rassoul Ahmadi, Kazem Rooman,

Bandar Singh, Abdolsamad Nasseri, Abdolrahman Youssef Zehi, Sediq Soror Pol Zehi, Zarif Tajik, Mansoor Darvish, Youssefzadeh Youssef Zehi, Mohammad Barahoo'i, Majid Naroo'i, Mohammad Bakhsh Qanbar Zehi, Mohammad Youssef Salar Zehi, Mohssen Hosseini Shekar'abi, Abdolaziz Barahoo'i, Noor Mohammad Naroo'i, Jama' Nooti Zehi Derakhsh, Habibollah Rashid Barahoo'i, Majid Sedaqat Barahoo'i, Mohammad Reza Goori Bami, Abdolrahman Naroo'i, Ali Qolkhani and Majid Abdollahirad. No reasons were given for their execution.

92. According to Kayhan of 11 July 1991 and Ettela'at of 20 July 1991, seven persons were executed in Malayer prison, province of Hamedan, after being found guilty of possession and distribution of narcotics. Their names were given as follows: Hossein Zanganeh, Ms. Malook Zahrehvand, Ms. Sakineh Gholivand, Hedayat Razi, Mohammad Ali Mooradi, Mohammad Shadallah Amiri (known as Shadi) and Ahmad Nayafi.

93. On 15 July 1991, a man named Qodratollah was hanged in Ghasr prison in Tehran. No reasons were given for his execution.

94. According to Jomhouri Islami of 18 July 1991, Akbar Kamali was hanged in Dowlatabad, Isfahan Province. No reasons were given for his execution.

95. According to Ressalat of 8 July 1991, "a number of drug traffickers were executed in Tehran".

96. According to Kayhan of 23 July 1991 and Ettela'at of 27 July 1991, a man named Samad was hanged after receiving 74 lashes in Ghasr prison in Tehran, on 22 July 1991, on charges of murder.

97. On 25 July 1991, seven persons were executed in Birjand, Khorassan province. Their names were given as follows: Noroz Sanjari, Ramezan Behmadi, Mohammad Nokhah, Rami Ghalche'i, Mohammad Rajabi, Dadkhodad Naroo'i and Nafas Gol Tajik. No reasons were given for their execution.

98. During the month of July 1991 the following persons were reportedly executed on charges of drug trafficking: Norrahmad Reegi Konhari, Pasand Shahbaksh, Moorteza Roohani, Ebrahim Abbasi and Bando Ghanbar Zahi in Isfahan; and Maryam Sheikhie and Khatoon Zafari in Khoramabad.

99. It was further reported that an unnamed man, aged 21, was executed in July for the rape of three boys and the murder of two of them; he was said to have been pushed from a cliff top.

100. In early July 1991, five persons were executed in Rasht, Gilan province, after being found guilty of the possession and distribution of narcotics. Their names were given as follows: Akbar Maljoo, Mehdi Da'emi Pir Kalachai, Akbar Davari, Jalal Sakhtroozi and Hadi Yazdanyar.

101. In July 1991, Zolfaghar Mullaiy was executed in Sanjan, reportedly for political reasons.

102. In addition to the names mentioned above, other executions of unnamed people during the month of July were reported as follows. One unnamed person was executed in Kerman, Kerman province, on charges of murder and rape. Another person was executed in Tehran on charges of murder. Two unnamed persons were executed in Malayer, Hamedan province, on drug trafficking charges, and 36 unnamed people were executed in Tehran on charges of drug trafficking.

103. On 2 August 1991, six persons were executed in Sirjan, Kerman province. Their names were given as follows: Seyed Akbar Poor Seyed, Qolam Reza Naderi, Morad Bolordi, Davood Khajavi, Majid Kamjoo and Akbar Shahryari. No reasons were given for their execution.

104. According to Kayhan of 21 August 1991, a man named Mohammad Reza and a woman named Kobra were stoned to death after receiving 70 lashes in Qazian Sangar, Gilan province. No reasons were given for their execution.

105. In August 1991, five persons were executed in Mahabad prison, allegedly for political reasons. Their names were given as follows: Khaled Sharifi, Soleiman Sheiky, Ibrahim Tazah, Mohammad Sharifi and Kamran Ahmadzadah.

106. Also in August 1991, Mashallah Sahraie was executed in Sanandaj and a person named Nader in Tehran, both on charges of murder. Delshad Dastres and Faizallah Paykani were executed in Bakhtaran on drug trafficking charges.

107. According to Jomhouri Islami of 5 September 1991, three persons were executed in Khorramabad prison, Lorestan province. Their names were given as follows: Ali Karam Kasa'inejad, Mehr Ali Iranfar and Arikbak Kheradmandan.

108. Also in September 1991, Nasrollah Sahraie was executed in Malayer, Hamedan province, after being found guilty of the possession and distribution of drugs. A person named Ghofoor was executed in Ghasr prison in Tehran, on charges of murder, and Azadeh Shahnavazi was executed in Isfahan. No reasons were given for his execution.

109. During October 1991, 81 persons were said to have been executed. Among those executed were Mizra Karami, in Moamseni, on charges of armed robbery; Hassanali Jafarzadeh and Mostafa Mehdizadeh, in Isfahan, allegedly for political reasons; a person named Arshad, in Ghasr Prison in Tehran, on charges of murder; Amir Farshbaf, in Tehran, on charges of murder; a person named Rahman, in Tehran, on charges of murder; and Sohrab Kabkazan, in Dashtestan, Barazjan, on charges of murder and rape.

110. Also in October 1991, the following 28 persons were executed in Mashhad, Khorassan province, on drug trafficking charges: Seyed Ataallah Amir Amjadi, Ezatallah Ramezanpour, Avaz Yousefi, Karim Eivazi, Mashallah Jahani, Gholam Mohammad Bolandi, Mohammad Omrani, Gholam Reza Shahjoie, Noorali Shamani, Isa Farkhondeh, Safdar Goloui, Kalandar Barahvie, Ghorbanali Tatari, Emamdad Taj-Mohammadi, Gholam Hussain Torbati, Ghorbanali Bazar, Hussain Dadvar, Nik Mohammad, Gholbiebie Rezaie, Alam Barahovie, Zeyvar Tabaheri, Soolat Alijani, Esmat Yavari, Zeinulabedeen Ghoolami, Hedieh Aftiyan, Abdullah Salehzadeh, Sadeeghlayegh Teezabi and Hussain Arjavic.

111. Also in October 1991, another 25 unnamed persons were executed in Mashhad, Khorassan province, on charges of drug trafficking, and one unnamed judge was executed in Mashhad for taking bribes.

112. It has also been reported that in early October 1991 20 unnamed Baluchis were executed in Zahedan, province of Sistan and Baluchistan. They were reported by the Iranian press as armed bandits and as having been engaged in drug trafficking. Baluchi sources have reportedly claimed that the death sentences and executions took place on political grounds, and that a period of only one week elapsed between arrest and execution.

113. The following other cases or incidents concerning the right to life have been reported.

114. On 18 April 1991, Mr. Abdol-Rahman Boroomand, an opponent of the Iranian Government, was stabbed to death on a Paris street, allegedly by government agents.

115. On 20 May 1991, Guardians of the Islamic Revolution in Tabriz allegedly shot dead Hosein Ahari, a student at the Technical Faculty of the University of Tabriz, and Fariba Akhavi, a student at the Faculty of Odontology of the University of Tabriz, and a medical student of the same university. It has been reported that the incident took place when the Guardians attempted to arrest Doctor Yousef Mohseni, a professor of the university, who was at the time giving a lecture in the amphitheatre. Students demonstrated in protest against the arrest of their professor and the Guardians reportedly reacted by shooting at the demonstrators.

116. According to the Iran Times (a newspaper published in Washington, D.C.) of 24 May 1991, the Head of the Judiciary, Ayatollah Yazdi, revealed in a press conference in Tehran that a number of clerics had been executed in Qom after having been tried by a clerics' special court. Ayatollah Yazdi was quoted as saying that the executed persons were clerics from Qom Theological School who claimed prophecy and had started ignoring some of God's rules. The news concerning these executions was first reported by the Salaam newspaper, which referred to these clerics as "resurrectionists". Elaborating on these reports, the Head of the Judiciary reportedly said that, since the establishment of the clerics' special courts in 1987, 14 clerics had been executed and 236 other clerics had been discharged from their religious offices.

117. On 15 June 1991, several women were reportedly shot by Revolutionary Guards for protesting in a street near Vali-Ahd-Place against the obligation to wear Islamic dress.

118. Concern has been expressed to the Special Representative about the continuing endorsement by the Government of Iran of threats to the life of the author Salman Rushdie. On 21 January 1991, Hojjatoleslam Seyed Mohammad Ali Abtahi, Deputy for International Affairs at the Ministry of Culture and Islamic Guidance, reportedly stated that Imam Khomeini's edict against Salman Rushdie was designed to foil a perverse cultural invasion against Islam's sanctities. On 14 February 1991, a statement by clerical groups

marked the second anniversary of the Imam Khomeini's Fatwa against Mr. Rushdie. According to a Reuters cable, the statement said: "Even if Salman Rushdie becomes the most pious person of the age, he cannot be pardoned". According to the Tehran Times of 7 March 1991, the head of the Khordad 15 Foundation, Hojjatoleslam Hassan Sane'i, stated that the foundation would give 2 million dollars to anyone, "even if he or she is from among Rushdie's associates, neighbours or bodyguards", who brought the apostate to justice.

119. On 3 July 1991, Mr. Alberto Ettore Capriolo, who translated The Satanic Verses into Italian, was stabbed in Milan by a hit squad demanding the address of Rushdie's place of residence. On 12 July 1991, Mr. Hitoshi Igarashi, aged 44, who translated the novel into Japanese, was murdered at the University of Tsukuba, near Tokyo. In this connection, the Special Representative has also taken note of the information provided by the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva in his letter dated 18 December 1991 (see para. 19 above). Furthermore, the Special Representative requested the Governments of Italy and Japan to provide him with any information they would be able to make available to him with regard to the investigations into the above-mentioned crimes.

120. Mr. Shahpour Bakhtiar, the last Prime Minister before the Islamic Revolution, was found stabbed to death on 8 August 1991 at his home outside Paris. His secretary, Mr. Katibeh Fallouch, was also assassinated. The killings took place while Mr. Bakhtiar's home was under police protection. Allegations have been received that the killings were carried out by agents of the Iranian Government. According to L'Express of 22 August 1991 and Le Monde of 23 August 1991, a communication from the Iranian Ministry of Intelligence to one of its intelligence posts in Europe, reportedly requesting confirmation of Mr. Bakhtiar's death, was intercepted before his corpse had been discovered by the French police. A more recent article in Le Monde of 21 September 1991 reports the confession of a person who claims to have facilitated arrangements through the Iranian Government for, inter alia, the preparation of the Iranian passports bearing false identities which were used by the two persons accused of having carried out the assassinations.

121. According to French press reports, Mr. Massoud Hendi, aged 44, an Iranian businessman charged with complicity in the murder of Mr. Shahpour Bakhtiar and his secretary, Mr. Katibeh Fallouch, has implicated the Iranian Interior Ministry in the plot to kill these persons. Mr. Hendi is said to have helped the three presumed assassins by providing two of them with false visas to enter France and false Turkish passports to facilitate their escape. The Special Representative has requested the Government of France to provide him with any information it would be able to make available to him with regard to investigations into this case.

122. With respect to executions in general, the Special Representative continued to receive information according to which the families of the executed are not informed of the place of burial. In this regard, requests were received concerning the place of burial of Mr. Reza Esmati, born in 1950, and Mr. Farzad Dadvar, both said to have been executed in Evin prison

in 1989. A similar request was received for information concerning the burial site of Mr. Mehran Samadzadeh, who was said to have been executed on 30 July 1988 after having spent almost seven years in prison subsequent to his arrest in Karaj on 21 September 1981; information was also sought by his family in relation to his last written will.

123. Subsequent to transmitting his memorandum to the Iranian Government on 5 December 1991, the Special Representative has received the following additional allegations.

124. According to Kayhan International of 5 December 1991, four persons, including two Afghan nationals, were executed on 4 December 1991 in Mashhad, Khorasan province. They were found guilty by the revolutionary court of the city of dealing in 5.85 kg of heroin. Their names were given as follows: Abdolghani, aged 36, Afghan; Sattar, aged 50, Afghan; Mohammad Sarkhouhi, aged 37; and Mohammad Ali Nik-Farjam, aged 36.

125. On 7 December 1991, nine persons were hanged in Zahedan, Sistan and Baluchestan province, upon a verdict issued by the revolutionary court. According to Tehran Times of 9 December 1991, the executions were carried out in public while residents of the city chanted slogans. The nine persons were charged with having clashed with disciplinary forces, blocking the roads to passengers and creating a state of terror for people.

126. In the closing meeting of the Special Representative's visit to the country only 85 executions were officially confirmed for the year 1991 (see also chapter III). Subsequently a list was provided by the Government with details of the names and crimes of those 85 persons (see annex IV).

B. Enforced or involuntary disappearances

127. As regards reports of enforced or involuntary disappearances, the Special Representative wishes to refer to the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1992/18). The Working Group has transmitted to the Government of the Islamic Republic of Iran a total of 491 cases of missing persons, two of which were reported to have occurred in 1991. So far only one case has been clarified by information received from non-governmental sources.

C. The Right to freedom from torture or cruel, inhuman or degrading treatment or punishment

128. Torture and ill-treatment of detainees continued to be reported. Although torture for the purpose of extracting confessions is explicitly forbidden by article 38 of the Constitution of the Islamic Republic of Iran, it was alleged that this prohibition continues to be routinely flouted in order to obtain confessions, particularly in the case of opponents of the Government. Reported methods of torture included flogging with whips or cables on the feet or on the back, suspension by the wrists, deprivation of sleep for extended periods and various forms of psychological torture.

129. The Special Representative received testimony from former political prisoners who were in detention in 1990 and 1991 and who claim to have suffered or witnessed such practices as those noted above. They alleged that torture was commonly applied during interrogation and that, in some instances, it continued even after trial. They further alleged that other prisoners were frequently required to witness these practices as they awaited their turn. In this connection, it has been said that prisoners have no means of seeking redress for ill-treatment and torture suffered while in prison. No measures are known to have been taken during 1991 to establish legal or procedural safeguards against prisoners being tortured or otherwise mistreated.

130. It has also been reported that no members of the security forces and no prison officers have been brought to justice during 1991 for the torture or ill-treatment of prisoners. In this regard the Iranian Government provided the Special Representative with a list of violations committed by prison personnel which is reproduced in annex III.

131. It has been reported that Mr. Abdol Ali Bazargan, one of the persons arrested for signing a critical open letter to the President of the Republic (see paras. 170-173 below), and at least two other co-signatories of the letter were beaten during the early stages of their detention in the Komiteh Mushtarak prison in Tehran.

132. Information recently received details the alleged torture in detention of Mr. Ali Gaffari Hosseini in 1990. According to the information, Mr. Gaffari Hosseini reported that he had been stripped naked and left in a dark cell for two days upon his detention in Tehran in August 1990. Following these first two days, he claims to have been taken to an upper floor in the same building where he was beaten repeatedly and thrown down a staircase before being taken to another room where he was tied to a table and beaten on the soles of his feet. After these beatings, he was placed in a basement cell filled knee-deep with water. Later that day, he claims to have been suspended by his wrists with a stone tied to his penis, and then further beaten (particularly in the area of his kidneys) while being interrogated about his contacts and activities abroad. He reports that such treatment continued for days, that some of his toe-nails were forcibly removed, and that he was kept blindfolded throughout, except when left alone in his cell. Following these tortures, Mr. Gaffari Hosseini claims to have been transferred to Evin prison where he was placed in a small cell and remained incommunicado for six weeks. Some three and a half months later, he was taken, blindfold, to a court in Evin prison where he was apparently acquitted of all charges against him, resulting in his release about two weeks later.

133. It was reported that on 24 April 1991 Ms. Parivash Ameri, aged 19, was arrested at Vali-Ahd Square, Tehran, by Guards of the Islamic Revolution because she was not dressed in accordance with Islamic regulations (see section G below). She was allegedly tortured while in detention. On 5 June 1991, while in a coma, she was handed to her parents who took her to Pahlavi hospital. Dr. Houshang Oveissi and Dr. Mohammad Sadeghi reported to the police (at station No. 8) Ms. Ameri's state as a result of torture. The authorities allegedly suspended the doctors from their jobs, imprisoned them and later proclaimed that Dr. Oveissi and Dr. Sadeghi were responsible for the death of Ms. Ameri.

134. It was reported that Hojatol-Eslam Haj-Agha Khaleghi, head of Ghazvin prison and a religious judge, was arrested and jailed in May 1991, accused of raping female prisoners. It was alleged that he had arranged for female prisoners to be placed under his personal and direct supervision. Women who resisted his sexual advances were allegedly tortured and raped. It was said that police authorities sent a female detective disguised as a prisoner charged with drug trafficking to the prison under the supervision of Hojatol-Eslam Khaleghi. He was allegedly arrested while making sexual advances towards her and sent to Tehran for trial. Although he was arrested in flagrante delicto, he was released shortly after his arrest and returned to Ghazvin where he is now allegedly working as an interrogator in the Islamic Revolution's Central Komiteh.

135. It has been reported that Mr. Elyas Kohan was tortured while imprisoned in Evin prison in Tehran from 25 February 1991 to 23 May 1991. He was taken blindfold from his single cell to the prison office. There he was made to sit on a chair near the washbasin, where he was hit. Interrogators (among whom, allegedly, were Mr. Dehbozorg, Mr. Omidwar and a man called Mahmoud Nia) then dipped a sponge into cold water and let the cold water flow over his neck and chest. Afterwards, he was reportedly taken to another room where the interrogators beat him with hard plastic sticks on his head, face and fingernails. Later, they hit his toe-nails in the same manner. The torture was repeated several times, sometimes on the same day. As a result of the torture, his upper jaw was reportedly broken and he is now gradually losing his eyesight.

136. The imposition of judicial punishments which constitute torture or cruel, inhumane or degrading treatment reportedly remains widespread. Commonly reported punishments included amputation of limbs or fingers for theft, and flogging for a wide range of offences. Notable among such incidents is the reported sentencing of nine persons to between 10 and 30 lashes, in addition to lengthy terms of imprisonment, for having signed their names to an open letter criticizing Government policies (see section E below).

137. In January 1991, Jomhouri Islami newspaper reported that Hossein Khoshefat had the four fingers of his right hand amputated for theft.

138. Also in January 1991, two men were reported to have been subjected to a flogging of 74 lashes before being executed on drug trafficking charges.

139. It was also reported that in April 1991 five thieves were sentenced in Shiraz to have their hands cut off. The verdict, issued by Shiraz Penal Court No. 1 and approved by the Supreme Court, was carried out in Adelabad prison in Shiraz.

140. According to Abrar of 30 April 1991, four fingers of a robber's right hand were cut off in Borazjan. The ruling, issued by Bushehr Penal Court No. 1 and approved by the Supreme Court, also condemned the robber to 50 lashes and reimbursement to the original owners of 7,530,000 rials.

141. According to a report in Keyhan in June 1991, Firouz Bonyani was sentenced to an unspecified number of lashes in addition to the death penalty for a murder (see para. 87 above concerning his execution).

142. It has been reported that during April and May 1991 the Guardians of the Islamic Revolution Komitehs arrested many women for violations of Islamic regulations on dress and appearance, in particular for wearing thin stockings and make-up. Other forces, such as the so-called "RAD" and "TAEMIN", have allegedly participated in such arrests. It has been further alleged that the Guardians forced the arrested women to put their feet into bags full of cockroaches and mice. Many women were allegedly sentenced to flogging.

143. According to Keyhan of 25 May 1991, two women and seven men were sentenced by a trial court in Bakhtaran after having been found guilty of misuse of public funds and mismanagement in relation to the Office for Reconstruction of Bakhtaran. The men were each sentenced to two years' imprisonment and a payment of fines which differed in amount depending on each individual case, while the two women were sentenced to flogging.

144. It has been reported that on 13 September 1991 the Head of the Judiciary stated:

> "In Islam, we have Hodood and Ta'azirat. Hodood refers to the punishments prescribed by the Almighty. God has specifically designated certain punishments for individuals guilty of certain crimes, for example, gessass, stoning or Ta'azirat which are not considered Ta'azir, in the true sense of the word. Rather, they are hadd, punishments which are carried out by the whip. These are the type of things which are inherent in Islam. Many of these things are not replaceable or interpretable at any cost. No authority can revise, remove, tone down, or tone up these things. So, we have not violated any human rights. Rather, we have acted in accordance with the Universal Declaration of Divine Human Rights. We have observed all the laws established by religious principles. The punishments have been specified by our religion" (see also chapter III).

145. Subsequent to sending his second memorandum to the Iranian Government on 5 December 1991, the Special Representative has received additional allegations of torture, including detailed descriptions of psychological and physical torture in various prisons of the country. For example, Sayed Mohammad Moosawy, son of Sayed Khalaf, is alleged to have been beaten several times by guards of the General Drug Traffickers' Prison of Ahwaz during the last three years. A number of persons also wrote to the Special Representative complaining about health problems as a result of ill-treatment or torture in prison.

D. The Administration of justice

146. With respect to the conduct of trials, it has been reported that political trials in the Islamic Republic of Iran continue to fall far short of international standards of fair trial. Defendants often have no access to legal counsel, and proceedings are frequently said to last only a matter of minutes. The public and press continues to be barred from revolutionary court hearings. In this connection, it would seem necessary to recall the minimum international standards for fair trial as set out in articles 10 and 11 of the Universal Declaration of Human Rights and in article 14 of the International Covenant on Civil and Political Rights (see also chapter III).

147. Despite the notification by the Government of Iran to the Special Representative (see letter of 16 January 1991 referred to in E/CN.4/1991/35, para. 148) of the parliamentary adoption of legislation relating to the right to appoint an attorney, that legislation attained force of law only in the autumn of 1991 owing to a dispute between the Majlis and the Council of Guardians, who had rejected the legislation. On the insistence of the Majlis, the bill was submitted to the Council for the Determination of Exigencies, which resolved the dispute in favour of the Majlis (see also chapter III).

148. In relation to the aforementioned legislation, it has been said that the new measure will not safeguard the right to legal representation provided for in article 35 of the Iranian Constitution and article 14 of the International Covenant on Civil and Political Rights. The bill approved by the Majlis was said to purposefully omit all references to "attorney-at-law" ("vakil-e-dadgostari") and to replace such references with the word "attorney" (vakil), who need not hold legal qualifications, on the grounds that under Shari'a any Muslim is eligible to represent the accused in court. It was reported that following the revolution the argument that qualified lawyers were not sufficiently learned in the Shari'a was used to exclude them from the courts, regardless of the wishes of the accused and their right to be represented by a legal counsel of their own choice.

149. It has also been reported that there is currently no independent bar association in Iran. Although the Law on the Independence of the Bar Association, which dates from 1952, has not been annulled and remains legally in force, Iranian lawyers are unable to elect their representatives. The current president was appointed by the Ministry of Justice in 1982. He informed the Special Representative during the first visit that in 1991 his provisional term of unelected presidency would come to an end, and that lawyers would again be able to elect the executive body of the association. However, reports indicate that these elections have not taken place (see also chapter III). Reference may be made in this regard to Principle 24 of the Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (see A/CONF.144/28), which stipulates that the executive body of lawyers' professional associations shall be elected by its members and shall exercise its functions without external interference. The Basic Principles also require that professional associations of lawyers ensure "that lawyers have appropriate education and be made aware of the ideals and ethical duties of the lawyer and of human rights and fundamental freedoms recognized by national and international law" (Principle 9).

150. According to the Tehran Times of 21 April 1991, the Head of Judiciary, Ayatollah Mohammad Yazdi, stated that "some convicts may appeal against the ruling passed after the first hearing and according to the law should be given a second hearing. Therefore only the term passed after the final hearing can be relied on". This would seem to indicate that the right to appeal is granted arbitrarily, in that not all may appeal.

151. It was reported that the President of the Supreme Court of Justice, Moghtadaei, stated on 18 June 1991 that "in one case of criminals last week, the Qessass (death punishment) sentence was carried out even before the

murdered person's burial". Regarding cases of drug traffickers sentenced to death, it was reported that, in general, a very short period of time elapses between arrest and execution, sometimes only a matter of days.

152. It was further reported that on 21 May 1991, Mullah Seyed Hossein Mousavi Tabrizi, Majlis deputy from Tabriz, stated:

> "The length of various stages of judgement leads to holding individuals in prisons for years with their cases unresolved. Inappropriate approaches of interrogators in courts or at the Ministry of Information, which should definitively be under full judiciary supervision, irrelevant and sometimes malicious summons and arrests, issuing judgements in some courts in absence of a defence lawyer or any observer or even relatives of the defendant, extracting confessions under force, threat, pressure, etc., altogether are never compatible with the spirit of Islamic laws and sacred goals of the revolution ... and the Constitution of the Islamic Republic."

153. Furthermore, it was reported that on 11 September 1991, Farhang Saleh, Commander of the Guards Corps Special Unit of the Greater Tehran Security District, stated that "with the cooperation of the sisters of the Guards Corps of the anti-vice unit, 3,433 persons were arrested on charges of social corruption in the past two months, 976 of whom have been turned over to the judicial authorities".

154. Reports have been received of arrests in Baluchistan in recent weeks as a result of an increase in armed clashes between governmental forces and members of Baluchi tribes. Those arrested reportedly include the elderly and the very young, often taken from their homes, apparently as substitute prisoners for other relatives engaged in armed combat (see also chapter III).

155. According to Abrar of 18 August 1991, Mr. Lajevardi, Head of the Prison Organization, stated in Tabriz:

> "Brothers attending the Fourth Seminar of the National Prison Directors and Officials shared the view that, to uproot addiction from society, addicts who turn to drugs for the fourth consecutive time must be executed. Based on their experiences, the national prison directors and officials felt that the existing addiction law is not effective and needs to be revised."

He reportedly noted that currently drug addicts and convicts make up 60 per cent of the prisoners in Iran (see also chapter III).

156. It was also reported that on 2 October 1991 Mr. Khalil Hariri, Director of the Anti-Drug Department of the Greater Tehran Security Area, stated:

> "721 key distributors of drugs have been arrested since 4 April 1991. Most of them, vagrants with previous record, will be sentenced to death. 7,856 addicts have been identified and turned over to the relevant authorities".

He added that drug smugglers and addicts released from prison "must report their addiction and occupational status every 15 to 20 days" and that "they will be prosecuted and harshly treated should they fail to do so" (see also chapter III).

157. As concerns practices in sentencing, testimony received from former prisoners continues to indicate that prison sentences never take into account presentence terms of detention, which are sometimes very lengthy. During the visit to the country the Special Representative was informed that a note to article 18 of the new penal code recently approved in part by the Majlis provided that, in future, prison sentences must take into account presentence terms of detention (see also chapter III).

158. Moreover, reports indicate that release upon completion of a prison term may in fact remain contingent on other factors, such as statements of repentence and denunciation of personal views in the case of political offences. Refusal may result in continuing detention. In this connection, the Special Representative was told that such repentences and denunciations are sometimes required on video-tape.

159. With respect to prison conditions, reports indicate that there seem to be no effective rules regulating the conduct of prison guards who routinely act with apparent impunity in beating and otherwise abusing prisoners and in applying arbitrary punishments without explanation. It has also been said that for the last two years political prisoners have been grouped with common criminals in generally unhygienic conditions, with up to 32 persons said to be crowded into rooms of less than 30 square metres, exacerbating the situation considerably. In addition, political prisoners are said to be required to endure forms of indoctrination, with refusal to participate resulting in corporal punishment and extended periods of solitary confinement. One former prisoner recently interviewed by the Special Representative claims to have suffered several months of solitary confinement for such reasons.

160. With respect to the situation of Mehdi Dibaj (see E/CN.4/1991/35, para. 136), the Special Representative requested further information. He also requested information on the situation of the persons listed in annex III to document E/CN.4/1991/35 concerning whom there had been no official reply from the Iranian Government (see annex III).

161. As regards the particular situation of female prisoners said to be held in Section 209 (Asayeshgah) of Evin prison in Tehran, the Special Representative requested information on their situation and legal status. The Government's reply is contained in annex VI.

162. By the memorandum sent to the Government of the Islamic Republic of Iran on 5 December 1991, the Special Representative requested information on the situation and legal status of the following additional prisoners at Evin: Abdol, Farzad Barati, Baghir Borzui, Changiz, Cheragh, Darkhast, Muhammad Dihqan, Naser Farokhnia, Vazir Fathi, Gol-Mohammad, Abrahim Hajji, Noor-Mohammad Hajji, Hamid, Amin Hajji, Hakimi Habibu'llah, Hassan, Hayat, Kayvan Khalajabadi, Hamid Omid Khan, Hassan Khan, Jangi Kahn, Jihand Khan, Joma Khan, Morad Khan, Mirza Khan, Omid Khan, Youssef Khan, Majid,

Akbar Mansouri, Mirshir, Bakhshu'llah Mithaqi, Bihnam Mithaqi, Ali Mohammad, Malakeh Mohammadi, Mortazavi, Mahmoud Mottahedine, Nasir, Fathollah Pirasanan, Mehrdad Razaghi, Reza, Ali Reza, Rohollah, Shahnoor, Hossein Shetabi, Yadollah, Haidar Youssef, Abbas Zaboli and Ali Ziaiha.

163. Subsequent to transmitting his memorandum to the Iranian Government on 5 December 1991, the Special Representative has received the following additional allegations.

164. It has been reported that the following persons were arrested for political reasons during the months of September and October 1991: Hossein Dashtgerd, aged 49, married with five children, arrested on 29 September 1991; Mohammad Rahim Bakhtiari, aged 40, married with three children, arrested on 23 September 1991; Farhad Javian, aged 24, married, arrested on 30 September 1991; Rouhollah Partieli, aged 56, married with five children, arrested on 30 September 1991; Mohammad-Reza Afshari-Rad, aged 26, single, arrested on 30 September 1991; Ms. Shahrbanu Akhshi, wife of Moharramali Akhshi, arrested on 30 September 1991; Morteza Afshari-Rad, married with two children, arrested on 7 October 1991; Moharramali Akhshi, married with four children, arrested on 7 October 1991; Reza Pajouhesh, arrested on 9 October 1991; and Mansour Moussavi, arrested on 9 October 1991.

165. In October 1991, members and sympathizers of an organization known as Sazeman-E Jihan (the World Organization), were arrested for distributing leaflets and cassettes and writing slogans on walls. Among those arrested were Hesam Ghoreishi, Bahman Moussavizadeh, Akbar Mojaveri, Davoud Masoumi, Gholam eza Bayat, Mohammad Ghaffari, Mehdi Elyasi, Amirchani, Amir Latifi, Shahram Moini, Jaafar Mehdinejad and Kamran Riyahi, all aged in their 20s.

166. Furthermore, in November 1991 more than 300 persons were arrested in Tehran, reportedly on various charges ranging from "sinful occupations" and "misappropriation of funds" to "unauthorized political activities", "having bank accounts abroad", and "frustration of government spiritual policies". It was said that in some cases charges were so vague that it would be impossible for the prosecutor to formulate concrete accusations.

E. Freedom of expression, opinion and association and the right to peaceful assembly

167. It has been reported that in spite of the Political Parties Act of 1981, which legalized peaceful political opposition, and the statements by Iranian Government authorities issued in December 1988 announcing its intention to comply with that Act, the Ministry of Interior is still refusing to legalize the Freedom Movement (Nehzat-E Azadi), established in 1961, and the Association for the Defence of Freedom and the Sovereignty of the Iranian Nation, established in 1986. Both organizations claim that their members have made an important contribution to the cause of freedom in Iran, both before and after the Islamic Revolution and enjoyed the support of the late Imam Khomeini. They have reportedly declared that they do not oppose the Islamic Republic and have pledged to abide by the Constitution.

168. It has been reported that six statements sent by the dissolved Association for the Defence of Freedom and Sovereignty of the Iranian Nation to several Iranian newspapers between March and July 1991 have not been published.

169. Furthermore, it was alleged that under the Political Parties Act of 1981, the only parties authorized so far are different factions of the Islamic clergy. Non-political groups, such as the Society of Zoroastrian Priests, the Society of Surgeons, the Association of Pediatricians, the Islamic Centre of Teachers and the Islamic Association of Graduates from the Indo-Pakistan Sub-Continent, have also been allowed to register under the 1981 Act.

170. According to reports received by the Special Representative, nine of the co-signatories of an open letter which Mr. Mehdi Bazargan (Prime Minister of the first provisional Government of the Islamic Republic of Iran), together with 89 other persons, addressed to the President of the Republic have been sentenced to imprisonment for terms ranging between six months and three years and 20 or 30 lashes respectively. The names of those so sentenced were given as follows: Ali Ardalan, Abdol Ali Bazargan (son of Mehdi Bazargan), Habib Davaran, Khossro Mansourian, Nezamedine Movahed, Hashem Sabaghian, Shams Shahshahani (former Prosecutor of Tehran), Mohammad Tavassoli Hojati (former Mayor of Tehran) and Akbar Zarrinehbaf.

171. On 23 June 1991, the above-mentioned persons were said to have been tried in summary proceedings held *in camera*. According to reports, the defendants had no access to legal counsel, and former interrogators were called as witnesses for the prosecution. The defendants were allegedly charged with "committing an outrage against the power of the State, the injury of government officials, with attempting to destabilize the Government and misleading the people into error". These accusations were said to be based on the Iranian Penal Code. The defendants were allegedly prevented from answering the charges during the trial, which was concluded on 25 June 1991. Ali Ardalan, Habib Davaran, Khossro Mansourian, Nezamedine Movahed, Shams Shahshahani and Akbar Zarrinehbaf were each sentenced to three years' imprisonment. Abdol Ali Bazargan and Mohammad Tavassoli Hojati were reported to have been sentenced to two years' imprisonment and Hashem Sabaghian to a six-month prison term. The appeals lodged by the group have reportedly been rejected (see also para. 130 above).

172. It was further reported that Mr. Abdol Ali Bazargan and at least two other members of the group were beaten in the Komiteh Mushtarak prison in Tehran during the early stages of their detention.

173. The Special Representative has also received several urgent reports about the deteriorating health of Mr. Ali Ardalan. It was said that he had been denied sufficient access to medicines required for his cardiac problems, which had been aggravated by lengthy periods of incommunicado detention. Since his sentencing, Mr. Ali Ardalan's already fragile health condition has reportedly further deteriorated and, given his age of 77 years, concerns have been expressed that his life might be in serious danger (reportedly his weight was only 48 kilograms and in addition to his cardiac problems he was suffering

from kidney failure, hypotension, prostate problems, fainting spells and deteriorating eyesight). Upon examination by a prison doctor, hospitalization was recommended in September in order for him to undergo surgery for the installation of a pacemaker, but such hospitalization was allegedly denied (see also paras. 130 and 170 above).

174. Concern has similarly been expressed about the health of Mr. Abdol Ali Bazargan, Mr. Habib Davaran, Mr. Hashem Sabaghian, Mr. Nezamedine Movahed and Mr. Akbar Zarrinehbaf. It has been reported that Mr. Movahed, aged 74, has eye and cardiac problems and has apparently lost the use of one leg.

175. According to the Iran Times of 24 May 1991, Mr. Ghorban-Ali Saleh-Abadi, a member of the Majlis from Mashhad, was asked to appear before the Islamic Revolutionary Court at Evin prison on 16 May 1991 where he was questioned about critical remarks that he had made in the Islamic Consultative Assembly about the Government's policies. He told Ressalat that he has been asked to appear for a second time before the Court for further questioning.

176. According to a Reuters cable dated 15 August 1991, the Leader of the Islamic Republic of Iran, Ayatollah Ali Khamenei had stated that "attacks on the Government are treason which I would not tolerate for long". Furthermore, he had urged writers, preachers and government cultural organizations to combat "an all-round, organized offensive against the revolution's cultural values, mounted by opportunist elements in the form of artistic and intellectual activities" (see also chapter III).

177. Subsequent to transmitting his memorandum to the Iranian Government on 5 December 1991, the Special Representative has received the following additional allegations.

178. Hojjatol-Eslam Hossein Hashemian, Senior Deputy Speaker of the Majlis, was summoned in November 1991 by the Clerics' Special Court for questioning, and was allegedly charged with conspiracy against the late Imam's decrees. According to Salaam of 7 November 1991, Hashemian's summons created great concern among the Majlis deputies. He was reportedly questioned for several hours and subsequently allowed to go home.

179. Mr. Asghar Hashemi, a cleric in Masshad and the editor of Khorrasan, was allegedly convicted in a secret trial and sentenced to 15 years' imprisonment and 80 lashes for having published features criticizing certain policies as being contrary to the late Imam's edicts.

F. Political rights

180. With regard to the next election for the Majlis, it was alleged that no candidate may engage in the election campaign before his or her candidacy has been sanctioned by local religious and government institutions. It was said that the Ministry of Interior must screen all candidates and submit their names to the Guardian Council for final approval (see also chapter III).

G. The situation of women

181. The Special Representative has received the following complaints about the situation of women in the Islamic Republic of Iran, in addition to the allegations contained in his last report to the Commission on Human Rights (E/CN.4/1991/35, chapter II, section H).

182. It has been reported that, according to the Law of Retribution and Punishment, if a woman murders a man his family has the right to ask for retribution or "blood-money", a sum paid to the next of kin as compensation for the slaughter of a relative. By contrast, if a man murders a woman, it is reported that her murderer must, before retribution, pay half the amount of a man's blood-money to her guardian. Other discriminatory practices are found in the law of inheritance whereby women inherit half as much as men. It has also been stated that women have to obtain the official permission of their husbands in order to travel abroad. Further, it has been reported that the public display of women's sports is subject to several restrictions, and women are to be segregated from men on public transport.

183. Other reports indicate that 89 per cent of Iranian rural women are illiterate. Strict sexual segregation of teachers and students in Iran has allegedly resulted in the closure of many schools for girls, owing to a lack of female teachers, overcrowding of classes and a severe decline in standards. In rural areas in particular, this has allegedly meant a denial of education to girls.

184. Concern continues to be voiced over legal provisions requiring women to observe "Hijab" by showing no more than their face and hands in public, wearing clothes that must completely cover their curves. Offenders may receive a maximum of 74 lashes for "Bad-Hijabi", be jailed or fined. According to reports received by the Special Representative during 1991, arrests of Iranian women on charges of non-use of full Islamic dress or wearing make-up continue. It has been said that women are searched at the entrances to government offices to see if they have cosmetics or are wearing thin stockings.

185. It has been reported that the Guardians of the Islamic Revolutionary Komitehs frequently harass and inconvenience women in Haft-Hoz Square and Narmak district in Tehran. Regular clashes have allegedly taken place between the Guardians and the young men of the neighbourhood who try to defend these women.

186. It has been reported that in April 1991 the Office of Disciplinary Forces for Greater Tehran, which is run by the Guardians of the Islamic Revolution, issued a communiqué in which all traders and shopkeepers were asked not to sell goods to women who do not wear full Islamic dress. Shopkeepers and persons responsible for government offices, hospitals, cinemas and other public places have also been asked to prevent women not wearing full Islamic dress from entering their premises.

187. It was further reported that in April 1991 the disciplinary forces in Tehran closed down hundreds of shops and businesses on charges of having or selling ladies' underwear or "indecent dresses and goods". Shopkeepers have complained that no criteria have been set out for distinguishing "indecent" from "decent" dresses or goods. The agents of the disciplinary forces reportedly have complete freedom to consider anything as indecent. Allegedly, this usually includes women's corsets or underwear, night-dresses and cosmetics.

188. According to Irna and Reuters cables, Tehran police detained 800 women for flouting the Islamic dress code on 22 and 23 April 1991. Tehran Police Commander General Abbas Ogbaei was said to have reported that 50 shops were also closed for neglecting Islamic codes during a campaign launched on 21 April 1991.

189. According to the Jomhouri Islami of 16 July 1991, the Department of Public Areas for the Greater Tehran Disciplinary Region stated:

> "All car rental agencies must refrain from offering any service to the improperly-veiled women. The special investigative teams of this Department will begin inspecting agencies across the city once this statement is published. Any violations in this regard will result in the closure of the agencies".

190. On 26 July 1991, in downtown Isfahan, a group of women were allegedly harassed, beaten and arrested by Revolutionary Guards on the charge of being improperly veiled. Various groups of people attempted to free the arrested women from the Guards, and were allegedly shot and wounded by the Guards who opened fire in an attempt to disperse them; 355 persons were allegedly arrested. According to Salaam of 29 July 1991, the clash began after police and members of the "Headquarters to combat social vices" organization stopped women in a central Isfahan square. Salaam referred to notorious elements who came to the support of the women breaking the dress code, shouting "deviationist slogans" before smashing windows in the city centre. According to a Reuters cable of 29 July 1991, the clash was the biggest reported in recent years over enforcement of the dress code.

191. It has been reported that on 15 August 1991 the Prosecutor-General, Abolfazl Musavi-Tabrizi, said that "anyone who rejects the principle of the 'Hijab' (dress code) is an apostate and the punishment for an apostate under Islamic law is death" (see also chapter III).

192. Furthermore, it was reported that the Interior Ministry's Director-General for the Affairs of Foreign Citizens and Immigrants, Ahmad Hosseini, stated on 30 March 1991:

> "Marriages between Iranian women and foreign men will create many problems for these women and their children in future, because the marriages are not legally recognized. Religious registrations of such marriages will not be considered as sufficient documentation to provide legal services to these families." (See also chapter III.)

H. The situation of children

193. It has been reported that on 28 April 1991 the Cabinet approved government regulations revising the allocation of benefits for spouses and children. In accordance with the new regulations, it was reported that families who already have three children will not receive any benefits for any other child born one year after the new regulations come into effect. It was said that this regulation implied abolishing several legal rights of the child, such as coupons for basic commodities, allowances for the child's guardianship, and maternity leave for employed women (see also chapter III).

I. The right to leave one's country and to return

194. It has been reported that relatives of Iranian expatriates and refugees have been detained and threatened in order to pressure expatriates and refugees to return to Iran.

195. It has also been reported that, in accordance with a draft resolution presented to the Majlis in May 1991, unmarried women and girls will not be allowed to leave the country. According to Keyhan of 23 May 1991, although at present there is no law forbidding girls from leaving the country, the authorities in practice create many obstacles for those who wish to leave. The authorities are allegedly particularly severe with those unmarried women and girls who have won scholarships to study abroad.

J. Freedom of religion and the situation of the religious minorities

196. It has been reported that members of the Assyrian community are suffering harassment and threats of imprisonment in Orumiyeh, West Azerbayjan. Assyrian shopkeepers are reportedly obliged to place a sign in their shop windows that identifies their religious faith, a measure reportedly bringing about a decrease in their sales.

197. It has also been reported that all religious minorities must abide by the contents of a directive issued by the Ministry of Education in September 1991 on the observance of Islamic veiling regulations and appropriate dress codes for elementary and secondary students (see also chapter III).

K. The situation of the Baha'i community

198. The Special Representative has received information describing an ongoing general policy of discrimination against followers of the Baha'i faith. Specific accounts in 1991 include the following reports: Baha'is in Karaj, Sari, Mashhad and other cities were required in January 1991 by the Ministry of Security and Information to stop educating their children in Baha'i values; Baha'is are generally denied passports necessary to travel abroad, with some 400 passport applications pending as of June 1991 and none having been issued since March 1991; and Baha'is continue to be discriminated against in economic matters ranging from employment in the public sector to control over their private property. Well-documented individual cases describing various incidents which have occurred in 1990 and 1991 support reports of general discrimination in the public sector.

199. With respect to discrimination involving social security, reports indicate that two persons received notifications from the Department of Social Security in March 1991 informing them that they would not receive their pensions because of their "membership in the misguided Baha'i sect". A third case of denial of pension was reportedly decided in March 1991 by Branch 4 of the Administrative Court of Justice, the same reason being given.

200. Recent reports indicate that Baha'i cemeteries in various parts of the country continue to be desecrated, with tombstones being removed and sold. In one case in Tehran, it is said that two school buildings have already been constructed on top of the graves and that other construction is planned. Baha'i pleas against these desecrations have reportedly been ignored.

201. The lack of attention by judicial authorities to appeals regarding confiscated personal properties in Yazd, Bawyer-Ahmad, Ilkhchi, Saysan and in some areas in the province of Fars was also reported. It was pointed out that properties confiscated from non-Baha'is have meanwhile been returned to the rightful owners, whereas properties belonging to Baha'is are still being retained by the authorities. Furthermore, it was alleged that Baha'is are still not admitted to the universities.

III. REPORT ON THE THIRD VISIT TO THE ISLAMIC REPUBLIC OF IRAN

202. The third visit to the Islamic Republic of Iran took place from 8 to 14 December 1991. The United Nations mission was composed of the Special Representative, the Chief of the Special Procedures Section, Mr. Georg Mautner-Markhof, Mr. Miguel de la Lama and Miss Carmen Cuevas Garcia. Mrs. Irène Abrahamian acted as interpreter. The Special Representative wishes to express his appreciation for the cooperation of the staff of the Centre for Human Rights and that of the interpreter.

203. Ambassador Hosseini, Director of the Department for Human Rights and International Social Affairs of the Ministry of Foreign Affairs, welcomed the mission at Mehrabad Airport in Tehran. The first exchange of information took place on that occasion; it focused on the Department's activities, especially the international seminar on human rights held in Tehran in September 1991. Mr. Mautner-Markhof and Mr. de la Lama accompanied the Special Representative on all official and private interviews and prison visits.

204. The programme of work appearing as annex I to this report covers only meetings with the authorities and prison visits. The Special Representative conducted his own inquiries, which did not appear in the official programme. In particular, he talked with preselected individuals, whose information was frequently at variance with information from official sources. He also held discussions with persons who requested them and with representatives of non-governmental organizations.

205. The non-official programme, which often involved interviews with persons who requested anonymity, mostly took place after the interviews with the authorities, beginning on 8 December. Government officials presented the official view on the main points of inquiry. It was possible to interview

several prisoners during the visits to Evin and Gohardasht. At Gohardasht the Special Representative spoke with six prisoners who were being held in solitary confinement, of whom he had had no previous information. The visit to the "Komiteh Mushtarak" building, located in downtown Tehran, concerning which the Special Representative had received allegations that it was operating as an interrogation and prison centre, did not result in interviews with prisoners, for the reasons described in the relevant section of the report (paras. 311-312).

A. Interview with the Deputy Minister for Foreign Affairs

206. In the absence of the Minister for Foreign Affairs, Mr. Ali Akbar Velayati, who was attending the Conference of Islamic Countries at Dakar, the Acting Minister, Mr. Ali Mohammad Besharaty, received the Special Representative, Mr. Mautner-Markhof and Mr. de la Lama in order to present the Government's position on human rights. That interview took place on the afternoon of 8 December.

207. Mr. Besharaty said that there had been many problems in Iran during the early period of the Islamic Revolution, and that such problems might be considered as inevitable during a period of far-reaching political and social change. The French had had similar problems during their revolution in the late eighteenth century, as had the Russians during the October Revolution. He added that a reading of the famous novel Quiet Flows the Don was sufficient to provide an idea of the tremendous scale of that disruption.

208. He noted that he himself had spent five years in prison under the Shah's Government, one year of which had been in solitary confinement, and had been subjected to barbaric torture. He expressed regret that during those years neither the Commission on Human Rights nor any international body had taken it upon themselves to investigate the crimes and torture being committed in his country. Furthermore, if Iran had not defended the rights of the Palestinians, the attitude of the international bodies towards his country would have been different. In conclusion, he said that for a number of countries, mainly Western countries, human rights amounted to acceptance of their international policies.

209. He said that the Iranian Revolution of 1979 had brought about fundamental changes in the country, but had not caused as many problems as the other two revolutions he had mentioned. Fifty days after the revolutionary triumph, the people had decided by referendum to give a new form to the Iranian State, and a commission of leading figures had begun to draft a new constitution. The people had approved the constitution by direct vote. One and a half years after the revolutionary triumph, the President of the Republic and the Parliament had been elected by the people. In no other country had a return to normal institutional life been achieved so rapidly after a revolution.

210. At that point, he said, violent forms of dissidence, sometimes taking the form of terrorism, had begun to occur. The Government had reacted by implementing new laws. Such a reaction would have occurred in any other country. Since then, he maintained, everything in Iran had taken place

lawfully. The country was an Islamic Republic, and that should always be borne in mind, because it gave rise to special features that were not found in other countries. The citizens could establish political parties. Unlike parliaments in other countries, the Iranian Parliament worked continuously, and members expressed themselves with complete freedom and were not at all made to account for their statements.

211. He also referred to the occupation of part of Iran's territory by Iraq, which he considered to be equal to the occupation of Kuwait by Iraq but which had given rise to a very different international reaction. He concluded that Iran had been treated in a biased manner for exclusively political reasons.

212. He cited the agreement with the International Committee of the Red Cross for visits to prisons and penitentiaries as a sign of the Government's will to cooperate with the international bodies and to heed the recommendations of the Special Representative. The media in other countries often lied about the situation in Iran and pressed for the international monitoring of human rights in his country to continue. Paradoxically, now that a regime of freedoms had been introduced in the country and the free press had become the fourth pillar of democracy, the Islamic Republic of Iran found itself the constant butt of criticism by the Commission on Human Rights, for the sole reason that its policies were not in conformity with those of the West.

213. He stated that another important sign of Iranian cooperation was the release of the hostages who had been held in Lebanon for several years. He himself had travelled to Lebanon several times to try and obtain the release of the Western hostages, and he had negotiated with their abductors. That had caused him to be summoned for questioning before the Parliament, some of whose members considered it inappropriate for Government officials to take such steps.

214. He discussed other questions, which are summarized in the paragraphs below, noting that the Islamic Republic of Iran was still suffering the consequences of the prolonged economic blockade which was hampering the country's reconstruction. The damage caused by the eight-year war imposed on Iran by Iraq was enormous, and it had not yet been possible to repair it completely.

215. He asserted that the Government of Iran was not against international monitoring of human rights as such, or against the activities of the Commission on Human Rights, of which it was currently a member, but it was opposed to the selective application of such monitoring. The Government of Iran would like such monitoring to apply to all the countries that genuinely deserved to be monitored, with no exceptions of any kind.

216. He added that the Special Representative's report had been used for political ends. The Government of Iran felt that international monitoring should cease, since there was no justification for continuing it. The consensus resolution of 1991 pointed towards such an outcome. At its forty-eighth session, the Commission on Human Rights should put an end to such monitoring, since in his view "the human rights situation in Iran is improving day by day" and is "better than in two thirds of the countries of the world".

217. The Special Representative thanked the Minister for his invitation to make a third visit to the country. He also referred, during the conversation, to some points raised by Mr. Besharaty, especially his criticism of United Nations action. In that connection, he noted that the prison visits conducted by the ICRC during the last days of the previous regime had been of benefit to persons who had later come to hold high office in the Islamic Government, including His Excellency the President of the Republic, Mr. Akbar Hashemi Rafsanjani.

218. Regarding the mandate and its duration, the Special Representative said he adhered to the text of the consensus resolution adopted by the Commission on Human Rights. That document alluded in an indirect and uncertain manner to the possibility of ending international monitoring. The consensus resolution set out in writing a possibility that was and always had been present, without being mentioned: the ending of international monitoring. That resolution having been achieved by consensus, the Government of Iran had accepted the extension of the mandate for the current year. Consequently, international monitoring was being continued with its full co-participation, and the visit was an integral and fundamental part of the mandate.

219. The Special Representative made a few comments on the issue of selectivity, along the same lines as those expounded more fully in the chapter of this report containing comments and observations.

B. Interview with the coordinator of the visit, Ambassador Syrous Nasseri

220. Late in the afternoon of 8 December, the Special Representative met Ambassador Syrous Nasseri, Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva, and four Directors of various departments of the Ministry of Foreign Affairs in order to examine certain specific issues and consider how the official programme of work would be conducted.

221. Mr. Nasseri expressed satisfaction at the fact that the visit would include consideration of two new questions that appeared in paragraph 5 of resolution 1991/82. He then repeated the official position, to the effect that during 1991 the mandate had been limited to two issues: contacts and cooperation with the Government and consideration of the progress achieved in the previous year in the field of human rights. That interpretation restricted the present study to the events of the year and excluded anything that had occurred in previous years. As explained in the chapter on comments and observations, according to the Special Representative's interpretation no restrictions are permitted.

222. During the conversation, Ambassador Nasseri referred for the first time to the case of the Iranian commercial aircraft Airbus A-300, which had been shot down on 3 July 1988 in the Persian Gulf, and asked the Special Representative to hear the victims' relatives, who had some important matters to lay before the United Nations through the Special Representative which involved the human rights of Iranian nationals.

223. Ambassador Nasseri announced that, on the occasion of the Special Representative's visit to the country, a ceremony would be held to celebrate the reunion of repentant former guerrillas of the People's Mojahedin organization with their relatives living in Iran, and requested the Special Representative and his staff to attend. The Special Representative declined to participate in the ceremony, which he considered to be inappropriate in the context of his mandate.

224. The Special Representative requested information on the arrest and conditions of detention of 350 individuals, who, according to an Agence France Presse report, had been detained in various parts of the country and included monarchists, former members of the secret police of the previous regime, the Savak, and other political figures. Mr. Nasseri said that he had no information on the case but that the Special Representative would receive information during his visit.

225. At the end of the interview, the Special Representative made a humanitarian request. Mrs. Mesrijan Sohrabifilabadi had been sentenced to death for committing an ordinary offence and was about to be executed. As she had a six-month-old daughter, the request was for the execution to be postponed for an indefinite period of time, in view of the existence of the six-month-old baby, and for the court subsequently to consider clemency. Ambassador Nasseri promised to take care of that request, and at the last interview told the Special Representative that the execution of the sentence had been postponed indefinitely.

C. Interview with Brigadier General Reza Sayfollahi, Chief of the Narcotics Division

226. The Special Representative explained that his interest in the campaign against drug trafficing focused on the fulfilment of the guarantees of due process of law and the excessive application of the death penalty. General Sayfollahi said that there were many aspects to the fight against drugs in Iran and that before addressing the points mentioned above he would like to examine the roots of the problem.

227. He expressed his deep satisfaction at the fact that Mr. William F. Beachner, Director of the United Nations Fund for Drug Abuse Control, had acknowledged, in a note to the Ministry of the Interior dated 7 August 1992, the Government's positive actions in that field. A photocopy of the note contained the following passage: "After having spent more than a week in Iran, our mission was able to understand fully the pride with which you described your Government's strategy and actions to deal with the various manifestations of the narcotics menace. Indeed, the magnitude of the resources being devoted by the Iranian Government to anti-narcotics activities and the motivation of those involved at all levels of your Government are extremely impressive."

228. General Sayfollahi also said that a United Nations body, the Sub-Commission on Illicit Drug Traffic and Related Matters in the Near and Middle East, at its twenty-eighth meeting held in Tehran, had praised Iran's

anti-drug action and held it up as a model. Thus the Special Representative's criticisms indicated quite a different position. All United Nations bodies should adopt a united position towards the Islamic Republic's fight against drug trafficing and abandon their contradictory attitudes. He noted that the Islamic Republic of Iran had always shown respect for human rights in its struggle against drug trafficking and that the human factor was an essential part of its campaign against narcotics consumption. If addicts were arrested and sent to rehabilitation centres, that was to save both them and their relatives. The anti-drug campaign in the country had considerably reduced the traffic from Afghanistan and Pakistan towards Europe.

229. General Sayfollahi said that Iran did not produce drugs but was a country of transit between the producer countries and the European markets. The Iranian Government could take the position that drugs in transit did not concern it and wash its hands of the problem, but the Government, in cooperation with other countries, and concerned for the physical and mental health of the young people of other nations, had decided to fight the drug traffic with all its strength. Iran had ratified the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, aimed at combating drugs. He added that drugs were transported through Iran by well-organized and invariably well-armed groups, which fought and killed to attain their goals. Only very recently, 70 members of the Iranian security forces had died in an ambush by such groups of bandits. Shortly before that, 30 more had died in the performance of their duty. In his opinion, the only way to fight that kind of criminal activity was the death penalty, because the people involved were hardened recalcitrants and beyond reform. The drug problem was continuing to grow. And if the problem was growing, so should the fight against it.

230. The Special Representative said that he was not trying to hamper the fight against drugs but urging that it should be conducted with the guarantees of due process of law. In that connection, he mentioned the guarantees which in his opinion were not being applied in the country. The death penalty was used excessively, and its effects were felt throughout the population because of its intimidating nature. The death penalty had been applied for many years now, yet the problem did not appear to have diminished. That suggested that the solution did not lie in increasing the use of the death penalty but in other measures. The history of the death penalty showed that it had never yielded the results expected from it, and that criminals, driven by other motives, defied it time and time again. Adopting a pragmatic attitude, it was time to review the real effects of the death penalty and to seek other methods, such as international agreements and cooperation to eradicate drug production in other countries of the region.

231. The Special Representative said that he was considering the fight against drugs from the point of view of the application of international legal instruments. Those who did not take into account the legal aspects might view the problem from another angle. The opinions of Mr. Beachner, a United Nations official, were not in contradiction with the views of the Special Representative, because Mr. Beachner had not referred to the legal aspects.

232. The conversation ended with the following exchange: General Sayfollahi: "I invite you to visit the eastern border area of Iran, where the problem is the most acute; that would give you an idea of who these drug traffickers are; they are unscrupulous people, capable of the worst abuses". The Special Representative: "I would be pleased to accept your invitation". General Sayfollahi: "Let me warn you that they are going to kidnap us; and after the kidnapping, if we survive, you won't be against the death penalty any longer". The Special Representative: "My opposition to the death penalty is a point of principle, deeply rooted in my conscience; I can assure you, General, that even after the terrible experience of being kidnapped I would still be against the death penalty". General Sayfollahi: "Then if that really happened, I would drop the death penalty".

D. Interview with Mr. Hosseini, Director-General of the Ministry of the Interior

233. The discussion with Mr. Hosseini focussed on the situation of refugees in Iran, one of the new topics that the Commission on Human Rights asked the Special Representative to examine during 1991. Mr. Hosseini said that he was responsible for 4 million refugees, 24 branch offices and 70 camps. Iran had received 3 million Afghans and 1 million Iraqis and other nationalities. The 1 million Iraqis who had arrived in the country some 10 years before were an additional problem.

234. Mr. Hosseini said that Iran was continuing to take in Afghan refugees, many of whom were economic refugees, due to the drought that had afflicted central Afghanistan. Fifty thousand Afghans had just arrived in Iran, and 30,000 more were on the way. The reception centres in eastern Iran took in no less than 380 refugees per day. Ninety per cent of the Kurds who had come to Iran at the end of the Gulf war had returned to their country of origin; 65,000 Kuwaitis who had fled their country after the Iraqi invasion had also returned to Kuwait.

235. He stated that, when refugees arrived in Iran, they were kept in quarantine to avoid the spread of disease. They were then divided into groups: some were granted temporary residence and went to various provinces, while others were sent to live in camps supplied with water, sewage and electricity. Refugees chose between living in the provinces or in camps. No refugees were turned away. All were provided with identity cards. The Iranian Government had prepared emergency plans to meet a potential influx of refugees from the southern republics of the former Soviet Union.

236. The refugees were provided with the following services: (1) lodging in towns or camps; (2) food (wheat and oil provided by international organizations and the World Food Programme, which the Government supplemented with meat, eggs, vegetables and fruit); (3) financial aid (monthly allowance, because they were nearly always very poor); (4) education (150,000 Afghan and Iraqi children attended schools supported by Iran, because the international organizations did not provide assistance for education); and (5) Clothing and linen.

237. A repatriation programme was being developed in keeping with the following requirements: (1) free consent of the person repatriated; (2) acceptable situation in the country of origin; and (3) acceptance of the repatriation by the country of origin. The refugees return was being organized with assistance from non-governmental organizations and the Office of the United Nations High Commissioner for Refugees. He said that UNHCR assistance had been extremely valuable, as had that of other international organizations and agencies such as UNICEF, UNDP, WHO, FAO and the Office for the Coordination of United Nations Humanitarian and Economic Assistance Programmes relating to Afghanistan. International organizations covered one twelfth of the needs and expenditures, and the rest was met by the Government of Iran.

238. During the Gulf war Iran had spent $15 million daily. International aid had amounted to $30 million over one year, and 700 airplanes had brought 17,000 tonnes of food, blankets, tents, medicine, etc. Even so, that was little compared with the needs of the vast multitude of refugees. Iran was currently spending $70 million per year, not counting emergencies.

E. Interview with Mr. Atrian-Far, Under-Secretary for Political Affairs of the Ministry of the Interior

239. Mr. Atrian-Far was accompanied by Mr. Mobalegh, who is responsible for political parties and elections, and Mr. Zargar, who is in charge of the reconstruction of the places that had been damaged or destroyed during the eight-year war with Iraq.

240. Mr. Zargar mentioned the war damage and its effect on the enjoyment of economic and social rights. Iraq had occupied 96,000 square kilometres of Iranian territory. There had been 1,249 villages and towns completely destroyed and 1,427 partially destroyed. Thirty-five cities had been destroyed and 15 regularly bombed. There had been 120,000 civilian deaths and several times as many wounded. Material damage had amounted to $97,200 million and production losses and other indirect damage had amounted to 34,535,360 rials. Of the 50 cities bombed, 36 had been rebuilt. Of the 2.5 million displaced persons, 900,000 were now living away from the province of their habitual residence, a situation which implied a massive violation of the human rights of those individuals. He added that the reconstruction programme would require many more years.

241. Mr. Atrian-Far said, "This is a much more serious human rights problem than the violations which the international bodies are investigating in the prisons". The Commission on Human Rights has asked the Secretary-General of the United Nations to make a study on displaced persons. The Iranian Government was consulted on the matter, and said it hoped that the problem of displaced Iranians would be given full coverage in the study.

242. Mr. Mobalegh said that there had been many changes in the Near East and the Persian Gulf in recent years. In his view the past year had been one of success for Iran and for the world in general. It had been accompanied by a revival of political activity in the country. Although a law on professional

associations and political parties had been in existence for several years, few political parties had been operating and many professional associations had not been able to organize. At the current time, numerous parties had been formed in order to run in the parliamentary elections to be held in the spring of 1992.

243. He stated that the same law governed the following bodies: (1) political parties; (2) professional, scientific and technical associations; (3) religious minorities; and (4) Islamic associations. The Commission on Political Parties and Professional Associations had authorized 16 political parties, 24 professional associations, 17 associations of religious minorities and numerous Islamic associations. In a profoundly Islamic society, Islamic associations were established and grew spontaneously and naturally. There were also non-Islamic associations, based not on religious premises but on philosophical reflections. Most of the parties had an Islamic ideology. The law in question was based on a fundamental principle: loyalty to the regime of the Islamic Republic, in accordance with the Constitution (art. 26). That did not mean that they necessarily had to be Islamic but that they had to respect the legal order of the Islamic Republic, the sovereignty and independence of the State, the liberty of its people and national unity. In that context, they could even criticize the Government.

244. The Special Representative inquired about the status of the application for authorization from the Freedom Movement, mentioned in previous reports. Mr. Mobalegh replied that, since the application had been incomplete, the organization had been requested to complete it and to meet all the necessary requirements. The application had been resubmitted two weeks earlier and was on the list of applications which the competent commission would be considering and deciding upon. The application was in its proper place according to the order of submission.

245. When asked how soon a decision might be taken on that application, Mr. Mobalegh replied that that would be in the next few months. The Commission met every fortnight, and many other applications had precedence. He added that the Government had been obliged to protect the members of the Freedom Movement, because some citizens had, on their own initiative, tried to attack them.

246. Replying to questions aimed at clarifying certain points, the speakers indicated that lawyers' and doctors' associations were not covered by the law in question but by special laws. Intervention by the Ministry of the Interior in those associations, they said, was of a formal nature and not substantive.

247. The electoral procedure in the country was simple, they said. There were no restrictions on being elected. In order to vote it was necessary to be an Iranian national, to be 15 years of age, to have no criminal record and not to have undermined the national interest. The basic requirement for being elected was to be not less than 25 and not more than 75 years of age. An executive committee made up of "men of experience" in each constituency examined the candidates' qualifications and considered any complaints that

might have been lodged concerning any possible irregularities. The members of the committee were nominated by the Council of Guardians. The Council of Guardians could review the decision and adopt a final decision. The Ministry of the Interior did not intervene in the process. The Committee itself decided where the voting would take place and looked into claims of irregularity.

F. Interview with the Minister of Justice, Mr. Hojjatolislam Esmail Shoushtari

248. The Special Representative mentioned the consensus resolution of the Commission on Human Rights and asked several questions on the reforms of the Penal Code, the penalties involving torture (flogging, amputation, stoning), the situation of the 350 persons arrested recently and the number of executions that went beyond the restrictive terms of the International Covenant on Civil and Political Rights. The Minister of Justice referred to those and other questions. A summary of his explanations appears below.

249. The Parliament had adopted, on an experimental basis, a new bill on penalties and punishments which would replace the outdated system in force once it became law. The bill contained some important reforms, including the following: although it did not disappear completely, the punishment of flogging could in many cases be commuted by the judge to economic compensation or imprisonment.

250. Regarding the defence of an accused person, he said that a law was in force stipulating the need for a defence counsel, subject to annulment of the judgement. The accused could ask to be defended by someone who did not have a licence. And when the accused did not appoint a defence counsel, one was appointed by the court. The defence counsel requirement had already been in existence for the military and revolutionary courts, but not for the religious courts, whereas now the Special Court for the Clergy was also obliged to provide an attorney.

251. The power of the monitoring bodies, such as the Administrative Court of Justice and the Inspectorate-General, had been increased. He also mentioned the recently founded High Disciplinary Court for Judges. Judges who did not treat accused persons properly could be tried before the High Court.

252. Referring to the penalties of amputation and stoning, he indicated that Iran's system of government was Islamic, thus Islamic laws were enforced and some penalties could not be changed. Murder, for example, was punished by the death penalty, and that rule could not be changed; however, judges were empowered to negotiate with the victims' relatives to replace the death penalty by another, and that did happen in 95 per cent of cases. Theft was punished by amputation, and adultery by stoning. Those penalties could not be changed, because they were punishments especially established under Islam.

253. Regarding the number of executions in the Islamic Republic of Iran, he said that was a result of a strict implementation of the law in force. A few days earlier, three recidivist drug traffickers who had been carrying drugs to Europe had been executed. He was aware of the criticisms being levelled at

Iran from abroad concerning the number of executions. The figures were usually exaggerated and did not reflect the real situation. Thus it had been claimed abroad that one third of all the executions in the world occurred in Iran, which was absolutely untrue. In any event, since the executions took place in conformity with the law, their number lacked the meaning attributed to it abroad. He added that minors were not executed in Iran and that no one was executed for a first offence, which was not the case in other countries.

254. Since the data compiled came from the Iranian press, the Special Representative repeated his request concerning the official list of persons executed in 1991, in order to make the appropriate comparisons, with an indication of the places and dates of execution and the charges. The Minister said that he would submit the list to the Special Representative through the Ministry of Foreign Affairs, and added that he hoped that the United Nations would continue supporting Iran's efforts to combat the drug traffic, which would bring the countries of Europe greater peace of mind.

255. With regard to the 350 persons arrested in December 1991, he confirmed that the arrests had occurred but said that there had been no monarchists, former members of Savak or other political figures among those arrested, contrary to what had been reported in the press, and that all had been Government employees convicted of acts of corruption. He repeated that the group of arrested persons contained no political figures and that the persons in question were allegedly guilty of administrative abuses.

256. Regarding the International Covenant on Civil and Political Rights, he said that the restriction on applying the death penalty referred to the substance of offences and not to the number of executions. He added that in his country, the great majority of cases in which the death penalty was applied involved drug trafficking.

G. Interview with Inspector-General Hojjatolislam Mohagheghe Damad

257. Inspector-General Hojjatolislam Mohagheghe Damad said that he had occupied his post since the establishment of the Inspectorate-General some 10 years previously. He was also a professor at the University of Tehran and taught both civil and Islamic law. The Inspectorate-General monitored the activities of all administrative and judicial bodies to ensure compliance with applicable law. Its main function was to identify violations of the law.

258. The Inspectorate-General had a large staff, which allowed it to cover the whole of the country: 50 judges and 150 experts in a variety of fields, such as engineering, accounting, military science, medicine, and veterinary science.

259. The bodies responsible for judging violations of the law were the High Disciplinary Court for Judges and the Administrative Court. The Inspectorate-General received complaints, carried out investigations and referred cases to the two Courts mentioned above, which informed the Inspectorate-General of the results of the trials. The Inspector-General could order preventive suspension of officials against whom there was evidence

of professional misconduct. For example, he had suspended a number of provincial governors from office. The suspension was only temporary, because the Courts later took a final decision. Ministries could not refuse to comply with the suggestions made by the Inspectorate-General.

260. The Inspectorate-General had been reorganized during the previous two years in order to improve both its monitoring capacity and its efficiency. The Inspector-General said that he was prepared to consider any irregularities that might be detected by the International Committee of the Red Cross in connection with prison visits after January 1992. He said that he received a large number of complaints from Amnesty International, and that all of them were followed up, although many of the complaints had been found to be false. He also said that all citizens could submit complaints all of which were carefully investigated. He had received complaints from prisoners, from accused persons who had complained of ill-treatment or of disrespect during a trial, and from foreign citizens. He added that on 15 occasions he had visited all prisons in Iran, investigated conditions in them and received complaints from prisoners, which had subsequently been examined. He pointed out that the situation in prisons had improved over the previous two years.

H. Interview with the Deputy to the Head of the Judiciary, Mr. Mehrpour

261. The interview was held with the Judicial Deputy, Mr. Mehrpour, and several high-ranking departmental directors of the Iranian judiciary. Mr. Mehrpour drew attention to the laws which had been adopted or which were about to be adopted in 1991, and which were designed to follow up the recommendations made by the Special Representative.

262. Mr. Mehrpour mentioned the following reforms: (1) for the purpose of serving a sentence, the period of imprisonment would no longer be counted from the date of sentence, but from that of arrest (note to art. 18 of the Penalties Act); (2) material and moral compensation would be granted for injury suffered by the accused as a result of an unjust or incorrect sentence, of ill-treatment by the judge or during detention; (3) a study would be made of the various types of penalties to ensure that the punishment fitted the crime; (4) the constitutionally established right to defence had been the subject of special measures to ensure that accused persons exercised that guarantee; refusal by a court to admit a defence counsel would constitute sufficient grounds for the Supreme Court to quash the sentence and to suspend the judge from office; in addition, defence counsel enjoyed the same immunities as judges; (5) in principle, all trials should be public. Parliament was examining the bill on penalties, which *inter alia* severely restricted the number of cases in which flogging and other forms of corporal punishment were applied. New provisions relating to pardoning and a reduction of sentences had been introduced.

263. Applications for pardon, which could even be submitted by persons sentenced to death, were considered by a Commission. The sentence could not be carried out until the application had been acted upon. The Commission on Pardon met three times a week, and applications that were approved were referred to the Head of the Judiciary and finally to the Leader of the Islamic Republic for a final decision.

264. The judiciary had been actively involved in ensuring compliance with applicable law; it had cooperated in preparing the reforms and had itself prepared reports in accordance with the International Covenant on Civil and Political Rights.

265. The Special Representative asked what stage the reforms described had reached, and particularly whether they were incorporated in an act or acts that were currently in force. Mr. Mehrpour replied that the question of the proportionality of penalties was being examined and that the other questions had gone through all the stages necessary to become law. Parliament had approved the chapter containing the general provisions and that relating to the penalties established by Islam. It had also approved a number of sections on specific issues, such as questions relating to homicide, theft, bodily injury, etc. A section concerning issues such as swindling, fraud and other economic offences for which Islamic law did not prescribe specific penalties was under consideration.

266. Mr. Lavassan, Director of the Office of Pardons, expressed satisfaction that Islam had formulated human rights at a time when they were unknown in other parts of the world. The Prophet had decreed humanitarian laws long before human rights had become an issue. In the Islamic Republic of Iran, the Leader had granted a pardon for the first time two months after the triumph of the Revolution. Since then, 70 amnesty decrees and decrees of pardon or diminution of sentences had been promulgated, benefiting thousands of individuals. Those who had most benefitted from the policy of granting pardon had been counter-revolutionary groups. The Leader Ayatollah Khomenei had promulgated more than 29 decrees of pardon, which the office headed by Mr. Lavassan was responsible for enforcing. During 1991, 12,040 individuals whose military service had been extended as punishment for their having attempted to avoid that civic duty had been pardoned and were serving their normal period of conscription. A few days previously, 312 prisoners had been pardoned, at the initiative of the Head of the Judiciary.

267. The Special Representative asked how many persons under sentence of death had benefited from a commutation of their sentence. He was informed that in recent months some 100 persons sentenced to death had had their sentences commuted to a prison sentence.

268. The Head of the Department of Crime Prevention described his Department's activities. The Constitution vested responsibility for crime prevention measures in the Judiciary. However, it was only recently that crime prevention had been given due importance. He said that it was not simply a judicial problem, but a social one with economic and cultural roots. Consequently, it was necessary to adopt both judicial measures and measures of a social, technical and scientific nature in order to draw up and implement a broad policy for the prevention of crime and the rehabilitation of offenders.

269. A commission composed of specialists planned and provided advice in respect of crime prevention. Judges, criminologists, sociologists and psychologists carried out research to assist in the formulation of general policy.

270. Mr. Alizadeh said that the Attorney General ensured that the law was implemented, but if an individual considered that he had been injured by the Prosecutor's Department, he could appeal to the Judiciary, after which the Judges' Supervisory Office went into action. In urgent cases, his department expedited consideration of complaints and transmitted its findings rapidly to the Head of the Judiciary.

271. Mr. Mehrpour and his colleagues replied to a number of questions intended to clarify various points. From the questions it transpired that the new Act on mandatory assistance by defence counsel was not retroactive, and consequently nullity did not apply to sentences handed down, albeit in the absence of defence counsel, before the Act came into force. Another point concerned the means of proving that the assistance of a defence counsel had been denied. The participants in the round table said that proof could be found in the case file, as a record was kept of all the trial proceedings.

I. Interview with the Governor of the Central Bank, Mr. Mohammad-Hussein Adeli

272. The organizers of the visit insisted on the desirability of this meeting which had not originally been planned. The Governor of the Central Bank provided information on the economic situation, on the problems of reconstruction after the eight-year war, on current and future Iranian economic policies and their impact on development programmes and on the enjoyment of economic and social rights.

273. Mr. Adeli described the changeover from a highly centralized and regulated war economy to an economy of reconstruction and development which sought to eliminate Government control. During the war the Government had directly intervened in all economic activities to harness them to the war effort. As an indication of the trend towards the abolition of restrictions and regulations within the new economic climate, Mr. Adeli mentioned the reopening of the stock market. The Stock Exchange had reopened in 1989 and was thriving. The total volume of business during its first year had been 2 billion rials. The figure had rapidly risen to 12 billion rials and in the first half of 1991 business had reached the figure of 300 billion rials. He said that a major effort was under way in Iran to promote investment, and that production, distribution and consumption had been deregulated.

274. Rationing had been in force during the war, and consequently subsidies and controls had applied. That system was being gradually abolished. The new economic policy was based on the lifting of price controls and the rationalization of subsidies. The prices of most agricultural products were already free of subsidies or controls. Controls and subsidies for imported goods had also been suppressed, with the exception of those on wheat and medicine. Government controls on imports of many products, which had previously been in force, had been completely eliminated. In addition, export controls had been abolished and it was not necessary to pay export earnings into the Central Bank. The so-called "surrender requirement" had been abolished.

275. Banking and tax policy had been adjusted to the new circumstances. The fiscal deficit, which had represented 12 per cent of gross domestic product, had been reduced to 2 per cent. The World Bank and the International Monetary Fund had expressed satisfaction at that achievement. Inflation had been brought down from an annual figure of 30 per cent to 20 per cent, and its persistence was attributable to the shortcomings of Iran's economic infrastructure.

276. He said that a distinction was currently made between central banking activity, for which the Government was responsible, and commercial banking, which was in private hands. In addition, the currency was freely convertible and commercial banks could purchase and sell dollars without restriction. However, he stated that prevailing political circumstances had delayed the introduction of a single exchange rate.

277. Mr. Adeli set his explanations against the background of what he described as a hostile economic environment, and stated that if the five-year development plan was to succeed, a favourable economic environment was necessary. He said that oil exports had still not returned to normal, because Iran was plugging the supply gaps left by other countries, and was a residual exporter because Iranian petroleum was only purchased as a last resort. Recent events, including the assistance provided in solving the problem of the hostages in Lebanon, had helped to improve Iran's international standing. However, he complained that many Governments still prohibited their firms from importing Iranian products or applied prohibitive tariffs.

J. Interview with Mr. Mousavi, Press Director of the Ministry of Culture and Islamic Guidance

278. Mr. Mousavi first of all expressed his dissatisfaction with the Special Representative's previous report for having presented in a bad light the subsidization and distribution of newsprint, which in his view represented an effort on the part of the Government, at a time of war and shortage, to supply the country's media with that essential input. He added that what the Special Representative viewed as a weak point and a shortcoming was actually a praiseworthy practice. Control over the supply of paper was attributable to the war, and had been the means by which the Government had supplied the media at a time of import restrictions.

279. Mr. Mousavi said that in the last 16 months the publication of 82 periodicals and magazines had been authorized. There were 728 publishing houses, 20 of which belonged to the Government and 23 to cooperatives. Each day, between 42 and 45 books came out. There was no paper shortage, although there were still problems in obtaining foreign currency and the paper produced in Iran was more expensive and of poorer quality. It was now possible to import paper freely, although the Government continued to import and distribute paper at a subsidized price. The difference between the price of freely imported paper and the price of Government-subsidized had shrunk: the current price of freely imported paper was 8,000 rials and that of subsidized paper 4,500 rials, as against previous figures of 70,000 rials and 3,500 rials respectively. He promised a reward to anyone who could provide evidence of a paper shortage. He added that 28 daily newspapers, 72 weeklies and 21 fortnightly magazines were currently published in Iran.

280. Mr. Mousavi said that the newsprint imported and subsidized by the Government was distributed to applicants in the order in which they submitted their applications, and that the warehouses were able to fill all orders.

K. Meeting with officials of the Institute for the Treatment of the Victims of Chemical Weapons

281. This meeting took place in the offices of the Institute for Research into the Effects of Chemical Weapons. Dr. Foroutan, who is responsible for the treatment of the victims of chemical weapons, gave an oral presentation of the topic, which he complemented with statistical tables, photographs and slides.

282. According to Mr. Amir Esmail Saghafi, 400 attacks involving chemical weapons had been made by Iraq during the early days of the war. He presented tables showing the places, dates and number of victims caused by the attacks. He said that during the war, there had been seven periods when chemical weapons had been employed, during which the attacks had been directed both against members of the armed forces and against civilian targets.
Dr. Foroutan and his colleagues had begun their work as soon as the first attacks, which had become systematic in 1985, had taken place. They had been unprepared and lacking experience of the subject, and there had been a dearth of information from other countries. The Institute was currently pursuing its research and was in contact with the small number of foreign institutes specializing in the study of the harmful effects of toxic gases. However, he regretted that a large number of countries did not cooperate as fully as possible, on the grounds that the information was classified military information.

283. Mr. Saghafi cited five toxic agents: mustard gas, tabun, sarin, cyanide and asphyxiating gas (the last of which had been clinically observed).
Some 100,000 persons had suffered at least intoxication. Half of them had been mildly affected and the other half moderately or seriously affected. The 5,000 dead had been without protective apparatus; 4,000 had been killed by nerve gases and 1,000 by mustard gas. He said that the critical phase was reached between 24 and 48 hours after the attack. Those who lived through the critical phase generally survived, although there could be delayed-action and even lethal effects in the long run, depending on the nature of the toxic agent. Medical care was provided without discrimination both to Iranians and to Iraqis living in Iran. In March 1986, the United Nations had recognized that Iran gave proper treatment without distinction to all persons affected by toxic gases.

284. The Government of Iran had immediately appealed to the international organizations, including the United Nations, but the response had been slow in coming. Subsequently, journalists had carried out investigations and the United Nations had sent a group of investigators which had verified the charges and Iraq's direct responsibility.

285. Mr. Sadr, Director-General for Foreign Affairs of the Red Crescent, said he had been in the areas in which toxic gas attacks had taken place. He had treated many wounded and seen many people die in terrible suffering. His organization was currently caring for some 37,000 people still affected by the

gases, in eight centres located in the most seriously affected areas. Some victims developed lymphomas, leukaemia, solid tumours and anaemia. Others suffered from depression and from a variety of psychological problems. Cases of impotence and infertility had been identified and there were still a large number of unresolved problems. The genetic consequences were still unknown. He felt that the international community should immediately accelerate the destruction of chemical weapons.

L. Interview with the Special Prosecutor for Narcotic Drugs

286. The Special Representative had a third meeting with the Special Prosecutor for Narcotic Drugs, Mr. Hojjatolislam Zargar. The Prosecutor first of all said that the struggle against drug trafficking in Iran was based on deep moral and religious convictions. Islam combated anything that debased and devalued human life. Drugs destroyed the lives of human beings, especially young people. The struggle against the drug trade in Iran would continue until the evil had been totally eradicated.

287. Drug seizures had diminished in 1991, an indication that the traffic had also declined. In 1990, 25 tons of opium and other drugs had been seized, as against only 10 tons in the first months of 1991. However, seizures of morphine had increased. During the first six months of 1991, seizures of morphine had been similar to total seizures in 1990 (4,485 kilograms in 1990, as against 4,172 kilograms during the first six months of 1991). Much of the morphine had been found in Iran's western provinces, i.e. at points where it could be slipped to Turkey and to European markets.

288. In the first half of 1991, 6,800 persons involved in the drug trade had been arrested. The number of those executed for the offence had been one tenth of the figure for previous years. Recently, the sentences of 30 drug traffickers sentenced to death in Tehran had been commuted.

289. Drug dealers were arrested. Consumers were taken to rehabilitation centres, where they were taught to work so that they could earn an honest living when they returned home. Heroin addicts went to four special centres.

290. Efforts were made to re-educate them in the special centres, with successful results. The re-education programme for addicts included leave to visit their homes, and so far all the addicts had returned to the centres - an indication that their personality had changed for the better. During the first half of 1991, 2,464 addicts arrested had been given permission to leave the centres and all of them had returned. Thus, the Government was performing its Islamic duty to help them.

291. The Special Representative asked how long the Special Prosecutor thought it would take to control the drug traffic. The Prosecutor replied that for the time being the initiative in combating the drug traffic was taken by the Government, although he was unable to forecast how long it would take to control the problem effectively. He added that United Nations representatives had recently visited Iran's eastern provinces and observed the methods used to combat drug traffickers.

292. He said that poppies were not grown in Iran, although they were cultivated on a vast scale in Afghanistan and Pakistan. It would be necessary to eradicate those crops in order to prevent the traffic to the West. However, the Governments of Afghanistan and Pakistan did not exercise effective control over the areas of cultivation. The United Nations could and should, prepare a programme to tackle the problem at its roots, i.e. in areas of poppy cultivation. If it did so, Iran would cease to be a country of transit.

293. The Special Prosecutor also said that allegations had been made abroad, and repeated by media hostile to Iran, that executions of drug traffickers were occasionally a cover-up for political executions. With regard to the Special Prosecutor's allegations that inaccurate information on the reasons for the executions had been put about abroad, the Special Representative pointed out that transparency had become much appreciated and sought after throughout the world, and that if the Iranian Government wished to avoid such allegations regarding the way in which drug traffickers and persons tried by Revolutionary Courts were dealt with, the best means would be to hold public trials which relatives of the accused, journalists and the public could attend without restrictions. In that way there would be no secret as to what went on during trials. Hence, the Government of Iran itself had the power to solve the problems about which it was complaining. As long as proceedings were held in camera and public trials were for one reason or another avoided, the reports about which the Special Prosecutor complained would continue.

M. Meeting with representatives of UNHCR

294. The Special Representative met in Tehran with the head of the UNHCR office in Tehran, Mr. Omar Bakhet, and with his deputy, Mr. Mohammad Boukry. He also received supplementary information on the activities of UNHCR in the Islamic Republic of Iran from the competent regional bureau of UNHCR at Geneva.

295. As concerns refugees from Afghanistan, the representatives of UNHCR pointed out that the policy of the Iranian Government has aimed at integrating Afghans to the maximum extent possible in both rural and urban centres. Afghan refugees are permitted to take up a limited number of professional activities and this has contributed substantially to reducing the need for financial assistance from the Government or the international community. The number of Afghan refugees presently stands at around 3 million, the vast majority residing in urban centres. Some 300,000 persons reside in "spontaneous settlements" (predominantly Afghan villages or towns in rural areas that have sprung up as a result of the influx).

296. Since 1983 UNHCR has supported the Iranian Government in its efforts to provide refugees with minimum services in respect to health, sanitation, education, water and training. The World Food Programme has for the past two years also provided for 290,000 persons in "spontaneous settlements". During 1990 and 1991, tens of thousands of refugees returned to Afghanistan, where they received UNHCR assistance to return to their areas of origin. Repeated requests by UNHCR to be allowed a presence at Iranian border posts to monitor

and assist such movements have till now not been granted. The representatives of UNHCR expressed the hope that the recent permission to open a sub-office at Mashad would allow UNHCR to exercise its important protection mandate in this area.

297. As regards refugees from Iraq, approximately 1 million asylum seekers, mainly of Kurdish origin, were received by the Islamic Republic of Iran during the eight years of war with Iraq (this figure was established by an Iranian Government census of 1990). The majority of these persons have become integrated into Iranian society and require no assistance from the international community.

298. In 1987 and 1988 some 70,000 new Kurdish arrivals found asylum in several western provinces. They are being assisted by the Iranian Government, UNHCR and the World Food Programme. These persons have not been allowed to integrate, and reside in camps. During the summer of 1988 a voluntary repatriation movement and, simultaneously, a new influx took place which increased the caseload to 100,000 persons. UNHCR and WFP programmes were correspondingly increased.

299. Following the Persian Gulf war, more than 1 million refugees of both Kurdish and non-Kurdish origin, entered Iranian territory and received asylum. The efforts of the Iranian Government to help these refugees were supplemented by assistance from governmental and non-governmental sources estimated at $US 70 million. Before the beginning of the winter 1991 the majority of these refugees had returned to Iraq, the caseload, both "old" and "new", remaining in camps being less than 100,000. UNHCR has a presence in the western provinces but until now has not been allowed to exercise fully its protection mandate.

N. Visit to Evin prison

300. On 10 December 1991 the Special Representative visited Evin prison where he was received by the head of the prison organization, Mr. Lajevardi, and the prison director, Mr. Pishvand. Mr. Lajevardi emphasized that the main objective of the new Iranian prison system was to educate the inmates. The prison organization was supervised by a superior council of the Judiciary and the prison police had to a large extent been replaced by new wardens particularly instructed to work towards the above-mentioned objective. In that regard, steps had been initiated for the creation of a university for the administration of prisons. Mr. Lajevardi also referred to the problem of drug trafficking and stated that 65 per cent of all inmates in Iranian detention centres were drug traffickers or addicts.

301. The Special Representative emphasized that the main purpose of the visit was to interview in private the 30 prisoners whose names had been given to the Foreign Ministry at the outset of the visit. When the Special Representative was informed that out of the 30 prisoners only 12 could be interviewed, he handed an additional list with seven names to the prison director. However, the director stated that only one person on that additional list could be presented. The names of the 37 prisoners, as well as the reasons given by the authorities why 24 of them could not be met, are contained in annex II to the present report.

302. The Special Representative expressed surprise that for five of those persons the reason invoked was that they were currently under investigation. He pointed out that during his second visit he had been given permission to speak to persons under investigation and in this connection also referred to the recent agreement between the Iranian Government and the International Committee of the Red Cross (ICRC), which gave ICRC access to the prisoners without exception. He was told that new regulations did not enable the prison administration to allow the Special Representative to speak to persons under investigation without prison officials being present. An official of the Ministry of Foreign Affairs who was present at the meeting added that the agreement between the Government and ICRC was neither applicable nor relevant to the visit of the Special Representative. An offer by the prison director for the Special Representative to meet these inmates in his presence was declined by the Special Representative. The Special Representative explained that he had referred to ICRC because the application of the new regulation could jeopardize the agreement between the Iranian Government and the Red Cross.

303. The interviews with the other 13 prisoners took place in a room of the prison administration without Iranian officials being present. Nevertheless, several prisoners stated that they did not feel safe to speak to the Special Representative and asked for his understanding that they would not be able to answer his questions. Other prisoners whom the Special Representative had interviewed on previous occasions declared that their complaints had resulted in reprisals against them and in one case even in a particularly heavy sentence compared to other cases in which the accusation had been identical. The Special Representative therefore does not wish to repeat his conversations with the prisoners case by case; rather he has summarized their content according to the substantive points discussed.

304. Concerning trial proceedings, almost all inmates confirmed the summary nature of the proceedings before revolutionary courts, which does not appear to have changed since the last visit of the Special Representative. None of the persons interviewed had had the benefit of legal counsel or had been able to call witnesses and in some cases had not even been allowed to expose the arguments for their defence. One prisoner reported that with the help of friends he had contracted and actually paid a lawyer but had never been able to speak to him. Another prisoner stated that his family had attempted to find a lawyer for him but that such efforts had not succeeded since none of the lawyers contacted agreed to take the case owing to the impossibility of taking effective action before the revolutionary courts. In two cases the irregularity of the proceedings was exemplified by a series of trials during which charges were repeatedly amended and various sentences, including the death penalty, rendered. None of the trials described was held in public and in some cases the proceedings lasted only for a few minutes. It was also stated that it was at times difficult for the accused to distinguish between an interrogation session and the actual trial and in one case the accused had not been informed of the verdict three years after the trial.

305. With regard to the problem of torture, the interviews confirmed earlier impressions that torture was mainly used during the interrogatory stage with the aim of extracting confessions and consisted mainly of beatings and

suspension from the ceiling for extended periods. The practice of mock executions was also mentioned in this connection. Testimony was also received about the application of corporal punishment which had been applied in accordance with the respective verdicts.

306. As regards prison conditions, the statements varied considerably from satisfactory to harsh conditions. According to the testimonies received, prisoners charged or convicted of having participated in activities of political opposition groups are detained under much more difficult conditions characterized by poor food, and lack of heating, hot water, regular exercise in fresh air and books, except the Koran. This group of prisoners was said to be frequently subjected to various threats, had to work without remuneration and occasionally had to participate in pro-government demonstrations. One prisoner not falling within this group complained that for three years no permission had been given to correspond with his family abroad. In other cases confirmation was received of the practice of leave from prison, including the possibility for a physician sentenced to 10 years' imprisonment to work three days per week in his private practice. Prison conditions were reported to have been particularly harsh during the years 1980 to 1985 when Evin prison was so overcrowded that up to 45 persons were kept in one cell. The Special Representative also received testimonies about mass executions and various practices of torture and ill-treatment on a wide scale alleged to have taken place during this period.

O. Visit to Gohardasht prison

307. On 12 December 1991 the Special Representative visited Gohardasht prison, which is located some 40 kms outside Tehran. The prison director explained that some 2,000 persons were detained at Gohardasht, 80 of them female prisoners. Of those prisoners, 64 per cent were detained for drug related offences, 15 per cent for burglary, 10 per cent for financial crimes, 6 per cent for murder and 5 per cent for armed robbery. In reply to a question by the Special Representative, he stated categorically that there were no political prisoners at Gohardasht except for three persons who were at present on leave.

308. The Special Representative also asked to see Mr. Reza Mohammadi, allegedly a member of the People's Mojahedin Organization, and Mr. Bakhshu'llah Mithaqi, a member of the Baha'i community, and was informed that the former was not known to the prison director and the latter was no longer in Gohardasht.

309. Subsequently the Special Representative was shown the hospital of the prison, a bookbinding and carpentry workshop, the prison library, the kitchen and a hall apparently used for cinema and theatrical performances. He was also shown several empty cells, as well as rooms used for family visits and private visits for married couples. He then requested to see solitary confinement cells. He was conducted to a ward containing some 25 solitary confinement cells and, in the presence of prison officials, he was able to speak to inmates held in the first seven cells.

310. The Special Representative was surprised to find two political prisoners, when a few minutes before the director of the prison had categorically stated that there were no political prisoners in Gohardasht. One of them, Mr. Massoud Daria Bari, declared that he had been prisoner of war in Iraq and had joined the Mojahedin organization there. He had come back under the amnesty recently decreed by the Iranian Government and had duly surrendered to the authorities, but nevertheless had been arrested; he expected to be tried shortly for having joined the organization. He had not been given the possibility of making use of legal counsel. Three other persons interviewed were soldiers (two majors and one private soldier) charged with bribery and one of them charged in addition with spying for France. The latter prisoner, Major Ali Ghoda H., stated that he had been detained for six months, the last two months in solitary confinement. He said that he had been tortured and as a consequence was suffering from serious kidney and stomach problems, but had refused to sign a confession. He also complained that the authorities had exercised undue pressure on his wife and that no lawyer had been allowed to defend him. Two other persons also said that they had not been given the right to consult a lawyer. One of them Mr. Sayed Mahmoud Hosseini, complained that the investigators had attempted to force him to confess to charges of bribery; as he had made no confession he had been in solitary confinement for 68 days and was not allowed to have family visits.

P. Interview with the deputy director of the organization for the discovery and investigation of crimes

311. The Special Representative requested several times to be allowed to visit the detention facilities in the so-called Central Komiteh of Tehran, also referred to as Komiteh Mushtarak or Tohid prison, which is mentioned in many testimonies he received. He was informed that no such prison existed and the term "Komiteh Mushtarak" was used for the detention centre of the Savak, the secret police of the former regime. When he nevertheless insisted on visiting the place, he was received by the deputy director of the organization for the discovery and investigation of crimes, Mr. Tab, who informed him that during the revolution the old Komiteh Mushtarak building had been destroyed and had been replaced by a new building, called Number 2 Police Station. It was used mainly for administrative purposes of the police and no persons were brought there for interrogation except in very special cases such as passport or currency forgery or minor burglary offences. Such persons were, however, not kept for any extended period at the police station, at the maximum for 24 hours. The police forces were not allowed to maintain their own prisons and all detainees were under the control of the prison organization. Replying to a question by the Special Representative, he stated that the term Tohid prison was not known to him and he denied categorically that there was any prison in central Tehran.

312. Mr. Tab then referred at length to the problem of drug trafficking and recommended to the Special Representative that he should investigate the number of martyrs killed in the fight against drug traffickers, that he should further study the plight of the families of the victims of the People's Mojahedin Organization and that he should also report on the situation of Afghan refugees in the country.

Q. Interviews with non-governmental organizations

313. On 12 December 1991, the Special Representative met three representatives of the Organization for Defending Victims of Violence, who briefed him on their activities in 1991. They said that they had continued to promote and develop human rights in the country and had begun to contact other non-governmental organizations throughout the world. They also reported that they had paid particular attention to the problem of foreign refugees in Iran and that they had requested the international organizations and non-governmental organizations to show more interest in the refugees and assist them. They said that they had offered the foreign refugees help from the very moment they arrived in the country, that they had succeeded in collecting US$ 50,000 on their behalf and had sent material aid to the camps set up in the western part of the country.

314. In Iran itself, they had continued to help the victims of violence, especially those victims of what they called guerrilla and urban terrorist activity carried out by the People's Mojahedin Organization, which they held responsible for the deaths of over 10,000 people between 1981 and 1982, including 67 children under 2 years of age and 638 old people. They claimed that several foreign Kurds who had sought refuge in Iran had testified that the Mojahedin had been involved in killings and violations in Soleimanieh. They also said that they had supported all the amnesties and pardons decreed during 1991 by the Leader of the Islamic Republic, because they considered them an expression of magnanimity and compassion of Islam which was the precept underlying the country's legal system and the noble sentiments of the Leader. They said that they were working on translating the most important documents of the Commission on Human Rights into Farsi, that their organization had issued several statements in support of the Children's Week, condemning the treatment of the Kurds in northern Iraq, and denouncing the assassination of Mr. Bakhtiar, and that at present they were in the process of studying various bills from a human rights point of view.

315. Finally, they thought that a comparative study of the main international human rights instruments and the Islamic legal system was vitally important, and that it should be conducted jointly with Islamic religious leaders. They asked the Special Representative to bear in mind that the majority of the country's citizens were Muslims and to be sensitive to the feelings of 1 billion Muslims throughout the world when he cited religious precepts and Islamic laws, and to discount any allegations made by foreign mercenaries and agents who could not empathize with the Iranian people.

316. On the same day, the Special Representative met representatives of the Writers' Association, who said that through the efforts of the Special Representative the problems which they had raised the year before concerning the allocation of paper had been completely overcome (see E/CN.4/1991/35, para. 440). The requirement that all literary works should be cleared by the Ministry of Culture and Islamic Guidance before publication had also been abolished. They pointed out that previously the Ministry could ban the publication of a work, but that no one had been arrested because of his ideas. They said that there was currently an atmosphere of great freedom of expression in the country, and that the President of the Republic had called

upon writers to maintain and strengthen that freedom and urged them to take advantage of that climate to produce high-quality literary works. However, they said that they were still being criticized in certain quarters for being unduly influenced by the false values of the period of the Shah or of the West, for not being imbued with the revolutionary fervour which galvanized the younger generation in the country and for reducing the social and economic problems to a purely individual level.

317. On 12 December, the Special Representative also met representatives of the Organization of Iranian Women, who said that unlike what occurred in the West, women in Iran were not regarded as objects of pleasure or as a means of reproduction but were seen in their full capacity of human beings useful to society. They said that in Iran most women devoted themselves to taking care of their families, but that there were still over 1 million women working in various sectors of production and that many had distinguished themselves in the areas of creative, artistic and literary work, science and technology. They added that women were usually more successful at their jobs than men because of their perseverance, precision and delicacy and of the understanding and support they were given by the authorities. They claimed that in the West women always occupied marginal and menial jobs and were relegated to the lower rungs of the economic ladder. They asserted that in Iran the role of the woman as the builder of a virtuous family was also promoted and that in recent years the status of women in the social, political, cultural and religious areas had improved considerably. They said that the next decade in Iran would be devoted to women and development, as a way of commemorating the anniversary of the daughter of the prophetess Hazrat Fatima Zahra, whom all Iranian women looked up to as a model. Lastly, they warned the Special Representative against paying attention to the allegations of Iranian women living abroad, because many of them were influenced by corrupt and false materialistic Western values.

318. Also on 12 December, the Special Representative met members of the Students Association, who complained about the racial discrimination against Iranian students in Germany and other Western European countries and in the United States of America, which had even led to the death of some of them. They claimed that in Iran, on the other hand, students were provided with all the facilities they needed. The Faculties of Medicine alone had more than 90,000 students, who enjoyed all the laboratory facilities and libraries they needed to pursue their studies successfully.

319. In the afternoon of 12 December, the Special Representative also met representatives of the Association of Victims of Chemical-Weapon Attacks. One of them said that he was under permanent medical supervision and that every week he had to have a six-hour session of artificial respiration as a result of the injuries he had sustained. The Iranian Government had sent him to Germany for one year and paid all his expenses for expert medical treatment, but the period had probably not been long enough and he continually faced the possibility of death. The Special Representative saw for himself the serious and unusual injuries which he had sustained. The second person said that he was suffering from internal injuries, and that his brother, who had apparently

escaped unhurt from the attack, had suddenly begun, to have back pains in 1990, and was completely paralysed today. The third said that he had not suffered any injuries but that he had witnessed the death of nine relatives and friends three or four years after the attack.

320. On 13 December, the Special Representative met representatives of the Organization of Former Mojahedin, who said that during the Gulf war, many Mojahedin had voiced their disagreement with fighting on the side of Iraq and taking part in internal repressive operations, as a result of which they had been committed to prisons administered by the Mojahedin. They said that 300 of them were in a prison called Ramadieh, to the north of Baghdad, and that an equal number was being held in other secret prisons where many were allegedly being tortured. According to them some of them had been imprisoned with their wives and children and the children were denied milk in order to pressure the parents into returning and fighting against the Iranian regime or against the Iraqi opposition. They thanked the Government of Iran for allowing them to return despite their earlier crimes and the International Committee of the Red Cross for supervising their return. They said that 50 of the recent returnees had been pardoned by the Government, were temporarily being accommodated in one of the best hotels in Tehran and enjoyed complete freedom of movement.

R. Information received from private persons

321. During his stay at Tehran, the Special Representative met several private persons, most of them members of the legal profession. He also spoke again with Mr. Mehdi Bazargan, Prime Minister of the First Provisional Revolutionary Government. The other persons the Special Representative met requested that their names be kept confidential.

322. With regard to the general evolution of the human rights situation in the country Mr. Bazargan referred to certain improvements concerning the freedom of the press and the policy relating to the publication of books. The publication of several new magazines had been authorized and some new ideas could be expressed which were unheard of a few years previously. The office for the censorship of books in the Ministry of Culture and Islamic Guidance had been dissolved and authors were no longer required to obtain authorization prior to the publication of their works. However, literary works could and in some instances had in fact been prevented from appearing after the printing process, so that the new system in practice did not constitute a major policy change. Other interlocutors also expressed the view that the new measures had not brought about a truly meaningful liberalization in these areas and that both journalists and writers had to exercise a high degree of self-censorship if they wanted to avoid problems with the authorities. In this connection reference was made to the publication of a picture of ambiguous content in the newspaper Gardoon, which had led to the closing of that paper in June 1991. The editor had been beaten by female demonstrators. A female novelist, Ms. Sharzooz Parsipoor, had been arrested immediately after the printing of her novel.

323. The Special Representative was also informed that the general feeling of insecurity persisted although on some occasions people had attempted to talk more freely. Several demonstrations in the provinces against decisions

concerning local problems had taken place but had been repressed. The situation was still very unstable and even parliamentarians, such as Hojatoleslam Hossein Hashemian, Senior Deputy Speaker of the Majlis, had been subjected to interrogation after paying a visit to Ayatollah Montazeri.

324. Concerning the status of the Freedom Movement, the party of which Mr. Bazargan was chairman, it was pointed out that members of the Movement were still suffering attacks and defamation on the part of several authorities and the media controlled by them. A number of members had been physically attacked and their complaints had been ignored by the judicial system. Two months previously the confiscated building of the Movement had been returned with the argument that it needed repair; it was again confiscated soon after the repair work had started.

325. Concerning the legal status of the Freedom Movement, Mr. Bazargan recalled that the Movement had provided all the information required by the Commission of the Ministry of Interior in charge of political parties and associations, in accordance with the law on political parties, and that the Commission had not declared its functioning illegal within the three-month period stipulated by the law. Nevertheless the authorities did not consider the Movement as legally recognized and six months previously the Commission had informed the Movement of new by-laws with which it would have to conform. Three weeks previously the Freedom Movement had communicated the additional information requested under those regulations. So far the Commission had not considered the additional information provided.

326. Mr. Bazargan further confirmed that nine co-signatories of his open letter to the President of the Republic of May 1990 had been sentenced to prison terms and flogging and that their sentences had been upheld by the Supreme Court (see paras. 131 and 171 above). He also confirmed that Mr. Ali Ardalan had received treatment in hospital and was convalescing at home; his prison sentence had been suspended (see also para. 173 above). Since their transfer from the Central Komiteh prison (Komiteh Mushtarak) to Evin prison conditions for the other eight prisoners had gradually improved; they received better medical attention, were permitted family visits and on certain occasions had been granted leave from prison. His own son, Mr. Abdol Ali Bazargan, and Messrs. Habib Davaran, Nezamedine Movahed and Akbar Zarrinehbaf were on leave at the present time.

327. During the interrogation period at the Komiteh Mushtarak prison Mr. Mohammad Tavassoli Hojati had been tortured as he had complained about torture during a previous detention on the occasion of the Special Representative's first visit. The Special Representative was also informed that Mr. Hashem Sabaghian and Mr. Khossro Mansourian had been beaten and all of them kept for extended periods in solitary confinement of up to five months. Their trial proceedings before the Revolutionary Court had been held without the assistance of legal counsel and the periods of their pre-trial detention had not been counted in the prison sentences they had received. In the case of Mr. Movahed and Mr. Mansourian, the signing of the open letter was the only charge. Nevertheless Mr. Mansourian had been sentenced to a prison term of three years (the highest prison term given to any member of the group)

as he had complained to the Special Representative about the torture he had suffered during pre-trial detention. The Supreme Court had confirmed all sentences within 48 hours after the appeal, including corporal punishment (74 lashes in 5 cases), which so far had not been executed (see paras. 170 and 171 above).

328. Other private persons whom the Special Representative met in Tehran confirmed the view that in most of the areas of concern to the Special Representative there had been no substantial progress since the last visit. Certain improvements had been announced and promises had been made, but most of them had not been fulfilled. Reference was made in this regard to the announced elections to the board of the Bar Association scheduled for 8 October 1991. However, the elections had been cancelled 24 hours before the scheduled time. The official reason given reportedly was that certain persons appearing as candidates had supported the People's Mojahedin Organization of Iran or the former regime. According to the persons the Special Representative interviewed, the list of candidates had in reality included several independent intellectuals whom the authorities had considered unacceptable (see also para. 149 above). A copy of a bill deferring the elections, adopted by the Majlis on 12 October 1991, was handed to the Special Representative (see annex VII).

329. The continuation of the Islamic Revolutionary Court system was also considered as a major indication of lack of real progress. The persons interviewed expressed the view that it was unacceptable that a decade after the Revolution a special court system lacking most of the guarantees provided for in the international human rights instruments continued to operate. The trials before such courts of the persons having signed Mr. Bazargan's open letter were frequently cited as the best documented recent example of the arbitrariness of the procedure of revolutionary courts. The situation was considered even more arbitrary in the special courts for the clergy and reference was made in this regard to the recent execution of a mullah named Rafik Sodeghi. With regard to persons in the armed forces, or the Revolutionary Guards Corps it was alleged that many were executed without any court procedure or that they simply disappeared.

330. The Special Representative was also informed that the new law concerning the right to legal counsel before all courts had had no practical effect so far. It was not known whether lawyers had had any access to military courts, courts for the clergy, courts dealing with questions of women and in cases involving narcotic drugs and sensitive political questions (see also paras. 147 and 148 above). Defence lawyers did not enjoy immunity and generally had difficulties in obtaining access to the files. In addition the irregularity of the procedures in the revolutionary courts made it practically impossible for them to perform their functions in a meaningful manner. Reference was made in this connection to the imprisonment of lawyers for having given legal opinions which were not in line with the official position.

331. The Special Representative had the clear impression from these conversations that the feeling of fear and insecurity among the population persisted. Several interlocutors asked for guarantees that they would not be prosecuted after having spoken to the Special Representative and reference was made in this regard to some cases of reprisals following previous visits.

S. Meeting with members of the Baha'i community

332. On 13 December, the Special Representative interviewed three members of the Baha'i community in Tehran. They said that the persecution of the Baha'is for their belief had abated, that no Baha'i had been executed in the previous four years and that the number of Baha'is in prison had declined. Nevertheless, the Baha'is continued to be denied access to higher education and that was a problem which affected virtually all the families of the community and had caused deep frustration and disappointment among the young Baha'is. According to them, the Baha'is continued to encounter serious difficulties in obtaining a passport which would enable them to travel abroad, even in cases where they required specialized medical treatment. Many Baha'is who applied for passports were ill-treated and even insulted or ridiculed.

333. Recently, government officials had informed several Baha'is applying for passports that the Office of the President of the Republic had issued a directive that no Baha'i was entitled to obtain a passport, although no written evidence had been adduced to prove the accuracy of those statements. Of the 250 Baha'is who had applied for passports during 1991, fewer than 10 had obtained them.

334. The representatives of the Baha'i community informed the Special Representative that the Baha'is continued to be denied the right to inheritance despite the fact that the Constitution of the Islamic Republic establishes that no one shall be deprived of his right to an inheritance, and despite a recent ruling issued by Section 41 of Court No. 42 establishing that this said constitutional provision should also apply to the Baha'is.

335. The Baha'is also had to face the problem of arbitrary confiscation of their property. The representative said that, since the Special Representative's second visit to Iran, the home of Mrs. Sh. Miraftab had been confiscated for no reason and her furniture cruelly thrown out into the street, where she had had to live until finding a place to rent. All her requests and petitions so far had been rejected. The home of Mohammad Rahimi had also been confiscated and his furniture thrown out into the street during the summer of 1991. His petitions had also been rejected. Neither of those confiscations had been carried out on the basis of any court order, and the victims had not even been informed in writing of the reasons for them. The day before, 12 December 1991, another Baha'i woman had had her house confiscated in Yazd. Her belongings had been thrown out into the street and sold at public auction. She had even been informed orally that the telephone line of the building would be transferred to someone else.

336. The Baha'is were also subjected to enforced displacement. In Ilkhchi, a village near Tabriz, 35 Baha'i families had been compelled to leave, their houses burnt to ashes and their lands, farms and orchards put up for sale. The Baha'i farmers in Saissan had also suffered the same fate. In both cases, all the petitions and requests submitted by the victims had been rejected. In some instances, the confiscated property had been handed over to the Mostaz'affan Foundation. The many petitions submitted by the Baha'is who had been expelled from the Bovair Ahmad region in 1981 and whose properties had been confiscated had also been disregarded.

337. In Seissan, a city where many Baha'is lived, over 200 Baha'i families were being pressured to leave. A similar problem was being faced in Bovair Ahmad, where over 1,200 Baha'i families were being subjected to severe pressure to leave the region. The Imam Khomeini Foundation was currently putting up for sale the properties confiscated from Baha'is in the city of Yazd and surrounding area. Other houses, farms and orchards confiscated from Baha'i citizens throughout the country had not been put up for sale but were being occupied by government agencies and bodies. A large tract of land belonging to the Baha'i community situated to the north of Tehran, on which the community had planned to construct a temple, was currently being used to build housing for the Revolutionary Guards.

338. The representatives of the Baha'i community also informed the Special Representative that Baha'i cemeteries continued to be desecrated and destroyed all over the country. A large area of land south of the capital, which had been purchased by the community to contain the future Baha'i cemetery of Tehran, had also been confiscated. In exchange, the authorities had given it a small tract of wasteland without services or public utilities. They claimed that the Baha'is were forbidden to pray for their dead in the cemeteries.

339. The Special Representative was also told that the Baha'is were being subjected to serious economic discrimination. They were denied entry into the public service as civil servants and administrative employees and those who had retired from the public sector were not entitled to receive retirement pensions. They said that seven recent decisions of the Court of Justice for public-sector personnel had rejected a number of other petitions from former Baha'i civil servants who were claiming their pensions after a life of service to the State. In one case, the Supreme Court of Qom and the Supreme Disciplinary Court of the Judiciary had recognized the right of the former Baha'i public employee, Heshmattullah Kashefi, to receive his pension. The decision had not, however, been put into effect, in open defiance of the judicial authority. In recent years, thousands of Baha'is had been dismissed from the public sector and that discrimination was being gradually extended to the private sector. In 1991, the Ministry of Information had distributed forms to all private businesses of the country which they were required to return to the Ministry stating the religion of each member of their staff. Similarly, the Islamic associations and the so-called associations for the protection of interests, which existed in all large and medium-sized enterprises, were also bringing constant pressure to bear on the owners to dismiss Baha'is or not to hire them.

340. One positive development was that, at the present time, Baha'i children and young people could attend primary and secondary school. The problems posed in that respect were usually solved quickly once the case was reported to the relevant authorities. Three confiscated houses as well as seven plots of agricultural land in Abadeh had been returned to their Baha'i owners over the last four years. Baha'i citizens had been issued with the ration coupons needed to obtain supplies of food and other essential commodities.

341. Finally, they said that several Baha'i-owned businesses and commercial establishments, which had been closed by the authorities, were gradually being reopened. Similarly, in 1991, the operating licences of opticians' businesses owned by Baha'is in Tehran were being renewed after three years of non-renewal. On the other hand, various commercial establishments belonging to Baha'is had recently been closed, including over two dozen opticians' businesses in Abadeh and Karaj.

T. Final interview with Ambassador Syrous Nasseri and Directors of the Ministry of Foreign Affairs

342. On the morning of 13 December, the Special Representative had a long final interview with Ambassador Nasseri, who had coordinated the visit, and several Directors of the Ministry of Foreign Affairs. Ambassador Nasseri referred to the second memorandum of the Special Representative which had been transmitted on 5 December 1991 and contained fresh allegations of human rights violations in Iran. The Special Representative, in order to have detailed replies at his disposal, requested a written record of the information supplied orally during that meeting and said that it would be desirable if those replies could reach the Centre for Human Rights by 20 December 1991, at the latest. Up to the time this report was completed, the Special Representative had not received the majority of those written replies.

343. A summary of the main subjects raised by Ambassador Nasseri is given below. Regarding the number of persons condemned to death in 1991, as reported on Iranian radio and in the Iranian press, he said that only 85 persons had actually been executed, and that the other announcements made by the mass media had been a publicity measure to serve as a psychological deterrent against delinquency (see annex IV).

344. Regarding the recent reports that many people had been arrested and executed in the provinces of Sistan and Beluchistan (see paras. 112 and 154), the Ambassador said that they were pure fabrication designed to smear Iran. According to him, the events in Beluchistan were not politically motivated, nor were they a manifestation of tribal or ethnic repression but were simply a problem of drug trafficking.

345. As to the situation of the Baha'is, he said that they were free to lodge complaints with the authorities. An appeal could be made to the judicial and administrative authorities regarding any of the cases reported, and the authorities were willing to hear and settle any petitions or complaints brought. In any event, the matters in question were private, affecting the Baha'is as individuals and not as members of a community.

346. The references to the Rushdie case in the first memorandum submitted to the Government on 2 October 1991 were strongly contested and rejected by the Ambassador. He said that the case as presented in the memorandum was incomplete, because it failed to take into account the many deaths that Rushdie's book had caused all over the world, especially in India and Pakistan. Furthermore, the Special Representative was not, in his view, competent to take up the Rushdie case or the case of the attacks on the translators of Rushdie's novel in Italy and Japan. The issue had to be settled by an analysis of the circumstantial evidence and its probative value, as well as the probative value of the concurrence of the various items of circumstantial evidence.

347. In reply, the Special Representative said that he had received no reports of Muslims who had died as a result of the publication of Rushdie's book and that he could not unilaterally suppress any information. Besides, it was the responsibility of the Government to give any explanations which it deemed necessary to justify the rejection of that information. Furthermore, it was not the business of the Special Representative to include facts which had not been communicated to him when preparing a memorandum setting out the allegations received and asking the Government for a reply. A request for information was distinct from an analysis and an assessment of the facts. In the instant case, it was incumbent on the Government, in its written reply, to include the facts referred to during the course of that conversation. The Government had given that reply in its letter dated 18 December 1991 (see para. 19).

348. This topic was discussed at length, with each side maintaining its original position. The Ambassador repeated that the Rushdie case did not fall within the Special Representative's mandate and the Special Representative contended that he could not unilaterally suppress any allegation in the process of requesting a reply from the Government. The Special Rapporteur reiterated that the mandate was open and based on the adversary procedure. Every allegation received by him from another Government, international organization, non-governmental organization or individual had to be communicated to the Iranian Government so that the latter could reply. He himself could not a priori or unilaterally suppress any allegation received. After the Government's reply was known, the Special Rapporteur could draw his own conclusions. The mandate was open and flexible and was not a judicial procedure. Its sole purpose was to improve the situation of human rights.

349. Ambassador Nasseri also registered a strong protest at the inclusion of the murder of Shahpour Bakhtiar and his Secretary Katibeh Fallouch in the first memorandum. The Iranian Government had, he said, condemned those murders and there was not the slightest circumstantial evidence that Iranian officials had been implicated in them, to justify their inclusion as an allegation. The Special Representative repeated that he could not but transmit any allegation received and that it was up to the Government to reply as it deemed appropriate.

350. Ambassador Nasseri said that, in the past, some violations of human rights had occurred, despite the Government's determination to respect those rights, but that the situation had changed and that human rights were at

present being observed. The fact that fewer allegations had been received in 1991 was to him an indication that the situation had improved in Iran. In his opinion, the situation regarding refugees, war damage and victims of chemical weapons should have been much more important for the Special Representative than the individual cases which had been gathered during his mandate, because the former involved massive human rights violations.

351. Ambassador Nasseri asserted that notwithstanding the burden of the past war, the sanctions and political and economic pressure, the Islamic Republic of Iran had never shirked its duty to observe and respect human rights. Regarding corporal punishment, he said that that was laid down in Islam, whose religious precepts constituted the best guarantee that human rights would be respected. According to him, considering the size of the Iranian population, corporal punishment was applied in very few cases, and chiefly in the rural areas. He recalled that those punishments were based on the Shariah, which also inspired the legal system of 17 other countries.

352. Regarding the allegations made in statements by the President of the Supreme Court, Mr. Moghtadaei, by the deputy for Tabriz, Mullah Seyed Hoosein Mousavi Tabrizi, by the head of the Prison Organization, Mr. Lajevardi, by the Director of the Anti-Drug Department of the Greater Tehran Security Area, Mr. Khalil Hariri, and by the Commander of that Department's Guards Corps Special Unit, Mr. Farhang Saleh, concerning the administration of justice (see paras. 150, 151, 152, 154 and 155), he observed that the statements demonstrated the great freedom of expression that existed in the country. In addition, the Special Representative had had the opportunity to interview those authorities during his visit and to confirm whether they had in fact made those statements, which in any case were the expression of their own personal views.

353. Ambassador Nasseri said that the reproduction of a quotation by the Leader of the Islamic Republic about an affront to the cultural values of the Islamic revolution, contained in the second memorandum (see para. 176) was partial and had been taken out of context. Those words had been spoken at a particular time, when a propaganda campaign of false cultural values and inducement to corruption from abroad was being waged against the Islamic Republic.

354. He denied the allegation that the Prosecutor-General, Abolfazi Musavi Tabrizi, had announced that anyone who rejected the principle of the "Hijab" (Islamic dress code) was an apostate and should be condemned to death (see para. 191). He also denied that the Director-General for the Affairs of Foreign Citizens and Immigrants of the Ministry of the Interior, Ahmad Hosseini, had declared that marriages between Iranian women and foreign men were not legally recognized (see para. 192). All Mr. Hosseini had done was to call upon mixed couples to have their marriages recorded in the civil register, in order to avoid any harm to themselves or their children.

355. Regarding the allegation that according to government regulations approved on 28 April 1991, families with three children would not receive any benefits for a fourth child (see para. 193), he said that the rate of

population growth in Iran was a serious problem which the Government had decided to address. In any case, the matter was purely administrative and could not be construed as a violation of the rights of the fourth child.

356. Concerning political rights, he acknowledged the accuracy of the report that candidates for the next elections to the Islamic Advisory Assembly (Majlis) could not launch their campaigns until their candidatures had received the final approval of the Council of Guardians (see para. 180). The matter was, in his view, one of internal debate and some organ should confirm the moral suitability and past administrative record of candidates for the post of deputy.

357. He acknowledged the truth of the allegation that the religious minorities were also required to comply with a Ministry of Education directive on proper Islamic dress, issued in September 1991 (see para. 197), although he made it clear that that directive concerned only educational institutions. He recalled that, in any event, everyone on Iranian territory was required to observe the Islamic dress code in public, out of respect for the religious beliefs and the cultural traditions of the country.

358. Regarding the allegations contained in the first memorandum sent to the Government, he denied that Revolutionary Guards had shot to death University of Tabriz students, Hosein Ahari and Fariba Akhavi on 20 May 1991 (see para. 115). According to him, those persons did not exist and no such incident had taken place.

359. Ambassador Nasseri said that there had been no proven cases of torture in the country during 1990 and 1991. He denied the allegations that torture had been inflicted on Ali Gaffari Hosseini, Parivash Ameri and Elyas Kohan (see paras. 132, 133 and 135). The last-named was apparently well known for his mendacity and for being a charlatan and had left the country. Regarding the alleged torture and rape of women prisoners attributed to Hojatol-Eslam Haj-Agha Khaleghi at Ghazvin prison (see para. 134), he stated that no such name had been found in the staff registers of the prison or even in the civil registers. He denied the other cases of torture described in the allegations, although he admitted that he had no further information.

360. Regarding the allegations relating to the administration of justice, he said that the Special Representative had seen for himself that new provisions were in force requiring the presence of a defence counsel in all courts, the right to appeal and to review of a sentence in second instance, and the subtraction from a prison term of the time spent in detention before the judgement. He denied that accused persons in Iran were pressured to make televised confessions. He also denied that political prisoners and ordinary prisoners were held together. Finally, he denied the existence of section 209 (Asayeshgah) at Evin prison (see para. 161).

361. He said that it had not been possible to find many of the names of prisoners supplied by the Special Representative, such as Hassan Zolfaqari and Beshar Shabibi, contained in the first memorandum sent to the Government on 2 October 1991. He stated that Ali Akbar Shalgunii was currently on parole

(see annex V) and that Ali Ardalan was at his home owing to the fact that the Government had favourably received the humanitarian request made on his behalf by the Special Representative (see paras. 8, 9, 170, 171 and 173). Regarding Mehdi Dibaj (see para. 160), he had no information at the current time.

362. He denied that prison officials in the country who had ill-treated or abused prisoners had gone unpunished and offered to provide the Special Representative with a list of officials implicated in such acts who had been punished or were under investigation (see annex III). He also denied the allegations of poor conditions in the prisons (see para. 159) and said that the Special Representative had personally been able to ascertain the falseness of such allegations during his visits to Evin and Gohardasht.

363. He repeated that in his view the mandate could not be restricted to the consideration of the situation of a few prisoners but should include human rights violations of a mass nature, such as those suffered by the victims of the Iraqi chemical-weapon attacks. That problem was being ignored by the international community, several of whose members were responsible for having supplied Iraq with the technology required to manufacture such weapons. Some type of redress or compensation should be established for the victims and their relatives.

364. In that context, he again raised the question of the Iranian passenger aircraft, Airbus A-300, which had been shot down over the Strait of Hormuz on 3 July 1988 with 290 passengers aboard. He formally requested that the report should refer to the case of that aircraft and reflect the information that the victims' relatives were prepared to supply and that the Special Representative should take a position on the matter. It would also be appropriate to grant compensation to the victims' families. Regrettably, some countries did not consider the life of an Iranian to be as valuable as the life of one of their own nationals.

365. Refugees constituted an immense problem for Iran. International aid had been very small in comparison with the magnitude of the problem, and the Government had met some very high costs while at the same time having to cope with the reconstruction of its cities and property damage during the war imposed on it. The problem of the refugees was a problem of the international community, despite which it was basically the Government of Iran that had had to assume the costs and responsibilities.

366. He said that the main problem affecting the enjoyment of human rights in Iran related to economic and social rights, the enjoyment of which had been jeopardized by the enormous costs of rebuilding the country, the economic burden of the millions of refugees and the hostile international environment. The economic embargo still being applied by a few powers was depriving his people of their right to development, which would provide them with the standard of living they deserved for their work and efforts. The hostile economic environment had deprived the Iranian people of the enjoyment of important social, economic and cultural rights, and that situation should be looked into by the international organizations.

367. He noted that the Government had carried out each and every one of the recommendations made by the Special Representative in his previous report to the Commission on Human Rights (E/CN.4/1991/35, para. 494). One very positive step had been the permission granted by his Government to the International Committee of the Red Cross to make regular prison visits from January 1992 onwards, a measure which other Governments were not prepared to accept. He regretted the fact that the Government had not been able to exercise clemency and the right of pardon as broadly as it had wished in order to reduce drastically the application of the death penalty, since it was faced with veritable organized gangs of drug traffickers who were causing a great number of deaths and committing other acts of violence. There was complete freedom of the press in his country, the four main daily newspapers regularly published criticisms of the Government, at least one review had a position that was totally opposed to the Government's policies and satirical publications were even distributed. Finally, he said that the Special Representative should limit himself to verifying compliance with the recommendations made in his previous report to the Commission on Human Rights and not take a stand on whether or not the mandate should continue. If the Special Representative did take a position on that issue, the Iranian Government would not continue its attitude of full cooperation.

368. Before concluding his discussion with Ambassador Nasseri, the Special Representative said that he had just received a complaint to the effect that one of the persons with whom he had talked during his first visit to the country, Kalani Mehrdad, son of Ali Akbar, domiciled in Narmak, 46 Metri, Charghi, No. 40 had been detained after the meeting and was still in prison at Bandar Langué. He recalled that Commission on Human Rights resolution 1991/70, adopted on 6 March 1991, urged Governments to refrain from all acts of intimidation or reprisal against private individuals and groups who sought to cooperate with the United Nations or to avail themselves of procedures established under United Nations auspices. Ambassador Nasseri promised to investigate the case and transmit his findings to the Special Representative.

IV. CONSIDERATIONS AND OBSERVATIONS

A. Interpretation of the mandate

369. On 7 March 1991, the Commission on Human Rights adopted, without a vote, resolution 1991/82 on the situation of human rights in the Islamic Republic of Iran. That consensus resolution had been obtained with the active participation and approval of the Iranian Government. Since the language of that consensus resolution was a departure from earlier formulas extending the mandate annually, the new language gave rise to an interpretation by the Iranian Government that differed from the Special Representative's interpretation.

370. In particular, the resolution did not explicitly mention the renewal of the mandate, omitted specific criticisms of the Iranian Government for alleged violations of human rights and made no reference to a third visit. However, it did urge the Government to comply with international instruments on human rights, in particular the International Covenant on Civil and Political Rights. The resolution specified three activities of the Special

Representative: contacts with the Government, cooperation with the Government and the submission of a report focusing on compliance with the recommendations contained in his immediately previous report (E/CN.4/1991/35, para. 494). The resolution also referred to the possibility of discontinuing the mandate if further progress was achieved regarding the Special Representative's recommendations (resolution 1991/82, para. 8).

371. The scope of the above-mentioned resolution was discussed with the representatives of the Iranian Government. The position taken by the representatives was that the mandate had substantially terminated and that a procedure had been adopted to discontinue it in an orderly way. In their view, it was a question of preparing the ground for the formal termination of international monitoring in 1992, and the activities of the Special Representative had therefore been reduced.

372. Thus in their view the activities of the Special Representative should basically focus on the three above-mentioned points: contacts, cooperation and a report on compliance with the recommendations contained in the final report of 1991 (E/CN.4/1991/35, para. 494). The Special Representative's activities were limited to claims and allegations affecting individuals during 1991, since no mention was made of earlier years, nor was it explicitly stated that the mandate was to be extended along the lines established in 1984. On the other hand, the Special Representative was to consider two new topics: problems relating to refugees and displaced persons and the victims of toxic gases (resolution 1991/82, para. 5).

373. The Special Representative has maintained and maintains the position and interpretation that the mandate is in force in its entirety, i.e. within its original terms of reference, despite the fact that no formal mention was made of its extension. The language of resolution 1991/82 is instructive in this respect. It stipulates that the Special Representative should maintain his contacts and cooperation with the Government of Iran and report on further progress "on the basis of his mandate pursuant to Commission on Human Rights resolution 1984/54 of 14 March 1984" (para. 7). Furthermore, when the resolution states that the report will be considered with a view to discontinuing the mandate (para. 8), that expression implies that the mandate is still in force. Similarly, when the Commission states that the situation of displaced persons and refugees as well as victims of chemical weapons "could fall within the mandate of the Special Representative", that implies that the mandate continues.

374. The three specific activities that the resolution sets for the Special Representative do not exclude other activities falling within his mandate. The preparation of a report aimed at determining the extent to which the recommendations of the previous report are being fulfilled by the Iranian Government requires the Special Representative to continue receiving information on acts that might constitute human rights violations, not only in 1991, but also in previous years, which for various reasons has come in late.

375. That is also the reason for the request for official replies to the allegations, without distinction between those relating to 1991 and those relating to previous years, concerning which the official position is not yet

known. It should be mentioned that the consensus resolution states that the Commission welcomes the intention of the Government to continue its full cooperation with the Special Representative (para. 2). And full cooperation means a visit to the country and detailed replies to allegations of human rights violations, in accordance with the substance of earlier reports that have requested partial cooperation to be increased to full cooperation.

376. The Iranian representatives alluded to the negotiations that led to the consensus resolution, during which, they said, it had been understood that the only question at issue was the diplomatic termination of United Nations supervision of the human rights situation in the Islamic Republic of Iran; and that the fact that the General Assembly had not included that item on the agenda of its forty-seventh session (1991) also tended in that direction. With that understanding, official circles in Tehran had announced the cessation of the mandate immediately after the Commission on Human Rights had adopted the above-mentioned resolution.

377. The Special Representative refused to interpret resolution 1991/82 in terms of the negotiations that had led up to it and therefore refrained from considering any promises and understandings or misunderstandings that might have arisen during such negotiations. In his view, it was the text of the resolution, approved by all the representatives, that should be observed, whereas any promises or interpretations that might have come into play during the efforts to obtain a consensus, unless they were unequivocally reflected in the text, were only binding on the delegations that had made or endorsed them.

378. The Iranian Government has always maintained that the political element in the international monitoring of human rights is very large and that decisions on the subject are therefore controlled by the good or bad state of relations between the countries directly concerned, by cooperation or antagonism between States and by the problems being negotiated and resolved. The official representatives took every opportunity to request measures to ensure the termination of international monitoring in 1992.

B. Circumstances in which this report was prepared

379. This report was intended to cover the period ending 20 December 1991. The events leading up to this closing date are recounted in the note of 19 July 1991 from the Director of the Centre for Human Rights to all Special Representatives and Special Rapporteurs of the Commission on Human Rights explaining in detail the difficulties met by the Secretariat in preparing translations of the reports and distributing them to the Commission in time in all the official languages.

380. The Special Representative considered the practical difficulties being encountered by the Secretariat in translating reports, the growing number of such reports, the fact that the General Assembly did not request an interim report for its 1991 session and the fact that distributing the report while the Commission on Human Rights was in session left delegations very little time to study it. In a note dated 27 June 1991, the Special Representative accepted the 20 December 1991 deadline proposed by the Under-Secretary-General for Human Rights. He also informed the Iranian Mission in Geneva of the deadline.

381. However, since the visit to the country took place from 8 to 14 December, it was physically impossible to maintain 20 December as the closing date. To provide information on events connected with the visit and formulate observations and conclusions taking into account the information obtained in the field, it was necessary to extend the deadline to the first fortnight of January 1992. The closing date would in no way deprive the Commission of information on any events that might occur after that, because it would be set out in a supplement, and if there was not sufficient time for that, it would be covered in the oral introduction of the report before the plenary Commission.

382. In September 1991, on the occasion of his visit to Geneva, the Special Representative was notified by the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva that his Government intended to invite the Special Representative for a third visit before the end of 1991. That intention was confirmed by a note dated 3 December 1991 (see para. 17). Agreement was then sought on the dates for the visit. The period of 8-14 December 1991 was finally found to be mutually acceptable.

C. Third visit to the Islamic Republic of Iran

383. The Government of the Islamic Republic of Iran invited the Special Representative to conduct *in situ* observations relating to the human rights situation. The Government provided facilities for conducting the official programme, and the Special Representative conducted a separate, non-official programme consisting of interviews with independent individuals who provided him with information on the subject.

384. During the visit to the country, leading Iranian Government figures emphasized the following points: (i) matters relating to refugees and displaced persons, victims of chemical weapons and national reconstruction owing to war damage, because they involved mass violations, were more important than individual complaints of human rights violations; (ii) consensus resolution 1981/82 currently under implementation was a mere formality or a diplomatic way of discontinuing international monitoring, since during the negotiations leading up to the resolution it had been privately agreed that international monitoring would be ended at the forty-eighth session of the Commission on Human Rights; and (iii) the international position of the Islamic Republic of Iran had improved considerably over the past two years, its policy of openness had begun to produce positive effects, and the international economic situation, chiefly as a consequence of the war in the Persian Gulf, had strengthened the country's geopolitical position, with the resultant change of the hostile international environment into a favourable one.

385. During the visit it was clear that high-ranking government officials felt that the achievement of the five-year development plan, the completion of the reconstruction programme and the enjoyment of social and economic rights by the country's inhabitants depended to a large extent on the international environment. The Special Representative would like to make the comment that putting the house in order in the field of human rights, without playing down individual cases and claims, is at the current time a very significant factor in the productive development of international relations.

386. The interviews with the prisoners at Evin were especially significant. The Director presented new regulations to the effect that the interviews had to be held in his presence or be limited to recent aspects of the imprisonment. The Special Representative rejected both conditions on principle. To be productive and objective, interviews must be completely private and cannot be restricted to specific aspects decided on by prison officials. The Special Representative expressed concern that, if such conditions were applied to the task about to be begun by the International Committee of the Red Cross, they would undermine from the outset the agreement that had been reached with that humanitarian organization.

387. Equally significant were the interviews with six prisoners in solitary confinement at Gohardasht prison, which provided an example of conditions of imprisonment and revealed the existence of political prisoners, which had been denied, and the lack of a defence counsel during the investigation procedure.

D. The issue of selectivity

388. It is appropriate to make a few comments on the issue of selectivity, to which several Iranian officials alluded during the third visit. This issue has been used in recent years as an argument to mitigate or qualify judgements on the human rights situation in the country.

389. The Special Representative is of the opinion that the competent United Nations bodies have sometimes been slow in taking international monitoring measures in respect of States which, accoring to repeated reports provided by non-governmental organizations and the media and confirmed by diplomatic channels, qualify for the procedures that have become customary when human rights problems are involved. This delay has been due to a variety of causes, which vary from case to case, and which most frequently consist of an attempt to find alternatives, such as persuasion by diplomtic means and pressure from public opinion, while the difficulties in obtaining a common majority position cannot be ignored either. The participants in the process are not experts or judges simply applying the law. Political factors sometimes have an affect since the establishment and annual renewal of international monitoring are decided on by vote of the States comprising the competent bodies. And States mean political entities.

390. Once the decison is adopted, however, the procedure becomes independent of its political background and is governed by a legal arrangement. At this point, the human rights situation in the country monitored is evaluated not through political criteria of what is suitable or unsuitable, advantageous or disadvantageous, but through the logic of the law, with its variant of logic of the law as applied to probability. In such cases the international instruments in force are applied at the legal level, and at the practical level, proven acts or acts of probable occurrence are used.

391. Each case must be studied and judged according to its own features and merits, and the fact that a particular country where human rights are violated eludes international monitoring is not a valid reason or excuse for the country monitored to evade its international obligation to comply with the international instruments in force. It is not for a special representative or

rapporteur of the Commission, or a representative of the Secretary-General, to qualify, condition or moderate his views because other countries do not happen to be under international supervision. Selectivity might be a relevant argument in discussions for instituting mandates, but it has no significance with regard to the monitoring of a particular country. The only relevant factor is what is happening in each country, regarding both the laws in force and their application.

E. Reflections on the new items in the mandate

392. The Commission on Human Rights authorized the Special Representative to study and include in his report the questions of refugees and displaced persons as well as the victims of chemical weapons. During the third visit, the Special Representative received, for the first time and on two occasions, a request that he should study the crash of the Iranian commercial aircraft in July 1988 and was asked to hear the victims' relatives. As indicated earlier, those persons failed to keep two appointments set up through the Ministry of Foreign Affairs. Measures were taken to provide them with prompt access to the UNDP offices and they were awaited far beyond the agreed time, but they failed to arrive. A personal interview was necessary, because they would have been able to provide replies to questions clarifying the current status of this matter.

393. The new items have been studied and reported on with the explicit authorization of the Commission. If it so desires, the Iranian Government might submit the above-mentioned case to the Commission's consideration, in order for it to dispel any misunderstandings or doubts regarding competence and decide whether this case can be included in the mandate, together with the two new items explicitly added to it.

394. The question of refugees and displaced persons has been and continues to be a very serious problem for the Islamic Republic of Iran. According to the investigation conducted, international assistance has been considerable, but the expenditures of the Iranian Government have been much greater. The Islamic Republic of Iran has opened its doors to all refugees, whether political or economic. What is more, the country continues to be prepared to receive more refugees, if the situation in neighbouring countries were to give rise to mass exoduses like those of the immediate past. In the unanimous opinion of the competent international organizations and of international circles, Iran has conducted itself laudably in this area. The Special Representative recommends that international assistance to Iran for dealing with the refugee problem should continue, and that if new exoduses occur in the region, international assistance should be greater than in the recent past.

395. Various sources have informed the Special Representative that it has not been possible to carry out the protection function of the Office of the United Nations High Commissioner for Refugees with regard to certain groups of Iraqi and Afghan nationals, and even of Iranian nationals who have returned to the country. Although the assistance function, of a primarily material nature, has been effected with no setbacks, the protection function, which gives an indication of the situation of the refugees, displaced persons and

returnees, the freedom they enjoy and any mishaps that might befall them, had been disrupted for the reason specified. Thus an urgent appeal should be made to the Government of the Islamic Republic of Iran to extend full and unreserved cooperation to make it possible for the protection function to be exercised in respect of all groups of refugees without exception.

396. The problem of displaced persons, i.e., the Iranians who were forced to abandon their homes because of the eight-year war, produced consequences that have not yet ended. The Government said that there were still some 900,000 displaced persons who have not been able to return to the cities and villages where they habitually reside, because reconstruction is not completed. A few years ago, the international organizations were ill-prepared to deal with displaced persons, and for some time vacillated with regard to competence and physical preparedness to meet the problem. Under the pressure of events, international humanitarian action was stepped up in specific cases, and today attention for displaced persons is no longer outside the competence of the international organizations. The Special Representative recommends that the international organizations should help to resolve this problem to the extent of their ability, both with technical assistance and with the human and material resources available to them.

397. The issue of the victims of chemical weapons is certainly one of the most tragic events in the Near East in recent years. The Government drew the Special Representative's attention to the bombings with chemical weapons which affected both military personnel and civilians during the eight-year war. Some 100,000 adults, young people and children, men and women, suffered the effects of toxic gases. The Special Representative interviewed some of the survivors, who are leading lives of suffering and uncertainty as to the chances of recovering their health.

398. No one could fail to be moved at the horror of chemical weapons, but emotional reactions aside, it is appropriate to examine the case from the point of view of international law. In the opinion of the Special Representative, the prohibition of the use of chemical weapons, contained in the Geneva Protocol of 1925, has become a rule of jus cogens, and therefore binds all States without exception. Thus its binding nature is not restricted to the States parties to the Protocol but extends to all Member States of the international community.

399. It is therefore unacceptable to invoke the fact that a particular country has not acceded to the Protocol as an excuse or an exonerating factor. It is an imperative prohibition from which no derogation is permitted, because it corresponds to the moral and legal conscience of humanity.

F. The case of the assassination of Mr. Kazem Rajavi

400. On 23 August 1991, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, adopted its resolution 1991/9, in which, inter alia it expressed its grave concern at reports relating to political assassinations of Iranian nationals abroad (para. 2), deplored the apparent direct involvement in the killing of Mr. Kazem Rajavi of one or more official Iranian services (para. 3) and requested the Special Representative to include

in his next report any further information relative to the investigation of this case, taking into account the verdict of the Geneva Police Tribunal of 31 July 1991 (para. 4) regarding the accusation of insulting a foreign State made by the Government of the Islamic Republic of Iran against the journalist Myriam Gazut Goudal.

401. The Special Representative believes it is necessary to point out that he received no new information in 1991 relating to the investigation into this case. In accordance with the express requests of the Sub-Commission, the aforementioned judgement is included in the present report as annex X.

G. Examination of compliance with the Special Representative's recommendations

402. The Special Representative, pursuant to the request of the Commission on Human Rights regarding progress made in 1991 in respect of human rights, asked the Government of the Islamic Republic of Iran for detailed information on each of the 15 recommendations contained in the previous report (E/CN.4/1991/35). In this connection, it is appropriate to recall the aide-mémoire transmitted to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva on 30 September, and the note of 15 November 1991 (see paras. 7 and 16). Most of the official replies were given orally during the third visit, and others were in the form of written answers received shortly before the present report was finalized.

403. The Special Representative has, as far as possible, carried out investigations similar to those of previous years, and in his considerations and observations has referred to each of the 15 recommendations made at the end of the previous report (E/CN.4/1991/35, para. 494). He will now go through each of the aforementioned recommendations that the Commission decided to use as a benchmark against which to judge the progress in Iran in applying international human rights standards. The considerations and observations deriving from the reports gathered over the year, from both inside and outside the Islamic Republic of Iran, are inserted after each recommendation.

1. The death penalty

404. The first recommendation reads as follows:

> "(a) The Government should take immediate action to reduce drastically the application of the death penalty, and, while technical reforms are being introduced into penal legislation, clemency and the right of pardon should be exercised broadly".

405. The number of executions carried out in 1991 has been checked through official, or officially authorized, sources, such as the Tehran press, and IRNA, the Iranian news agency. During the period 1 January - 7 December 1991 these sources reported 884 executions, and named 680 of those executed.

406. The names of those executed, as well as information on the places and dates on which the executions occurred, have been gathered and scrutinized. The crimes involved appear, in general, to relate to groups of varying size, with individual details rarely being given. When foreigners are involved, the nationality is usually specified.

407. During his third visit, the Special Representative referred on various occasions to the excessively high number of executions and requested that the number be reduced drastically. Iranian officials maintained that the published figures for executions are grossly exaggerated, and that 85 executions had been carried out between January and 13 December 1991. A list of persons executed was enclosed with a note of 18 December and is included as annex IV to the present report. The Government has also given information on acts of clemency for many prisoners, and has stated orally that 100 or so prisoners facing the death penalty have had their sentence commuted. On 18 October 1991 the Special Representative requested more detailed information on the matter.

408. Further, government officials challenged the accuracy of the information given in the Iranian press since, according to them, newspapers publish details of imaginary executions with the aim of dissuading potential offenders. The Special Representative does not accept this explanation and stands by the figures quoted in the Iranian press, which have been carefully compiled throughout the year. On occasion, the accuracy of these figures has been called into question on the grounds that the figures contained some duplication, since the media report the sentences and then repeat the names when the sentences are carried out. The aforementioned figures do not contain any duplication, since names and places have been carefully registered and collated.

409. The number of executions has increased week by week, with no sign of any reduction. There were considerably more executions in 1991 than in 1989 and 1990. In the first six months of 1991, there were more executions recorded than in 1989 and 1990 combined. It is, therefore, clear that the application of the death sentence was not reduced drastically in 1991 as requested in the first recommendation but, on the contrary, underwent a sharp increase.

2. Penalties which involve torture

410. The second recommendation reads as follows:

> "(b) Just as the penalty of flogging is being gradually replaced by a fine or imprisonment, consideration should be given to replacing the penalties regarded by the international organizations as forms of torture, including stoning and amputation".

411. In the course of conversations with Iranian officials during his first two visits to the country, the Special Representative received information indicating that since some penalties condemned by international instruments are found in the Shariah the authorities are facing a dilemma due to the conflict between international requirements and those of national law. It has been argued that such penalties are also applied in other Islamic countries which adhere to traditional law.

412. Another argument has it that the competent United Nations bodies overlook such penalties in Islamic countries which maintain good international relations, hence the demand for equal treatment for all cases and situations, without exceptions on grounds of political commitments. This forms the basis for a renewed complaint of selectivity to the detriment of Iran. However, the mandate on Iran is restricted to Iran and is not affected by what does or does not take place elsewhere.

413. The Special Representative has pointed out that alternative penalties could be introduced as a means of overcoming the problem and meeting international requirements. This has been done, albeit to a limited degree, with regard to the penalty of flogging. The true scope of the reform is still uncertain. Five of the signatories of the so-called "Letter by the 90" who were sentenced to imprisonment were also sentenced to 74 lashes. It could be possible, pari passu, to consider alternative penalties to replace punishment which involves torture.

414. During the third visit to Iran, information was received that alternative penalties are replacing flogging, although it is still used for fairly serious offences. There have been repeated allegations of continued application of the penalties of amputation and stoning. The Iranian media have reported that the application of such penalties is in effect. The oral information gathered during the third visit was categorical: under an Islamic regime it is impossible to abolish penalties which are clearly set forth in the Shariah, including amputation and stoning.

3. Legislative and administrative reforms to the administration of justice

415. The third recommendation reads as follows:

> "(c) The Government should be urged to initiate forthwith or to speed up the pace of legislative and administrative reform to make national institutions compatible with the international human rights instruments, beginning with the introduction of technical reforms to penal legislation, as well as to introduce remedies to make moral and economic redress effective and to assign responsibility for abuses or excesses of power".

416. Oral information has been received that penal legislation is being reformed. The report of the visit lists the reforms under consideration, including moral and economic redress in cases of ill-treatment during detention or trial, and the inclusion of pre-trial detention in calculating the length of a prison sentence. The technical details of possible changes have not been specified, for example amending the classification of crimes so that broad, general terms are replaced by very precise language; making a distinction between degrees of responsibility as a result of different forms of participation in crimes; and individualizing penalties.

417. In previous reports, the Special Representative explained how and why the introduction of technical reforms would make it easier for penal legislation to be brought into line with international instruments. The tremendous number of executions has many causes, but they include imprecise definitions of the

classification of crimes, and a failure to recognize degrees of participation in crimes and thus the diversification of penalties. The Special Representative has requested the text of draft legislation, which has not, as yet, been forthcoming.

418. The area of moral and material redress, which is very important to minimize the effects of judicial error or administrative abuse, is being considered by the Islamic Consultative Assembly. As regards the inference of responsibility for abuses committed by prison staff, a table showing nine cases was enclosed with a written communication from the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva, dated 18 December 1991 (see annex III).

4. Equal treatment and equal rights for all citizens

419. The fourth recommendation reads as follows:

> "(d) The Government should carefully supervise the enjoyment of equal rights and equal treatment for all citizens, regardless of their political opinions or their religious beliefs".

420. This recommendation covers the situation facing persons of the Baha'i faith, which has been monitored since the present mandate began in 1984. Over the years, despite vicissitudes, a certain ambiguity has remained with regard to the legal security of the Baha'is, who have often been persecuted, sometimes imprisoned and not infrequently executed. Since 1988, there has been no knowledge of executions of Baha'is, and there has been a considerable fall in the number of Baha'is arrested. However, other forms of harassment and discrimination have persisted. The documentation gathered is reliable evidence of unfair and discriminatory treatment towards Baha'is in respect of the right to property and access to universities, businesses, employment, public services, cemeteries and places of worship.

421. Employment is an area where discrimination was and continues to be practised against Baha'is. The majority of the 10,000 Baha'is who lost their jobs in the 1980s are still unemployed. Retirement pensions for persons who have served the State have not been reintroduced. Former public employees have continued to receive demands for the return of salaries or pensions paid in respect of previous services.

422. The Baha'is still have difficulties in obtaining permits to establish and manage businesses of their own. They are not allowed to join agricultural cooperatives, and are denied credit and the use of machinery usually provided by the cooperatives.

423. Many properties confiscated from the Baha'is have been auctioned off without compensation being paid. Recently, in the city of Yazd, Baha'i properties have been sold. Former administrative centres, now closed, are falling into disrepair and many cemeteries have been desecrated and are no longer in use.

424. Chapters II and III of the present report refer to documents signed by authorities which show that the Baha'is frequently face discrimination on grounds of their beliefs. This harassment, as shown by documentary evidence, is aimed at forcing them to recant their faith.

5. Establishment of a climate of confidence and legal certainty

425. The fifth recommendation reads as follows:

> "(e) The Government should be urged to take, immediately and urgently, effective measures to establish a climate of confidence and legal certainty in institutions to enable citizens to express themselves without fear or intimidation."

426. During his first and second visits to the Islamic Republic of Iran, the Special Representative received information that he considered to be reliable, concerning a climate of uncertainty and insecurity, resulting from arbitrary actions by law enforcement agents. Consequently, out of fear, the freedom of expression and the political activities of private citizens are restricted. The trial of 23 of the signatories of the "Letter by the 90" charged with various crimes, in-so-far as it dealt with criticism protected by the right to express one's thoughts freely, was an important factor in maintaining the climate of insecurity among sectors outside official circles.

427. During his third visit to the country, the Special Representative was able to confirm, through interviews with private persons, that legal certainty has not improved, since the fear that any dissident activity may lead to harassment or even criminal charges remains, as demonstrated by the case of the 23 signatories of the "Letter by the 90".

6. The rules of due process of law

428. The sixth recommendation reads as follows:

> "(f) The Government should take care to apply the rules of due process of law, including the notification of charges immediately after arrest, public trials and the assistance of a defence lawyer, as well as the prevention of ill-treatment and torture during investigation of offences and during imprisonment, since, in addition to having suitable legislation, care must be given to its implementation, as misuse nullifies the best laws".

429. In previous reports, the Special Representative, referred at length to the rules of due process of law, and he has approached the Iranian authorities on numerous occasions to urge that these rules be applied fully both in national legislation and in the administration and, thus, become standard practice in the courts, for the police and for prison wardens. All that happens during arrest and investigation has a bearing on the due process of law, and may have many serious or disturbing consequences for the defence and the verdict.

430. Chapters II and III of the present report refer to the fact that nine of the signatories of the "Letter by the 90" were sentenced to prison, and five to the additional penalty of flogging. On 24 June 1991, they were tried in camera. The accused had no access to a defence lawyer, and officials who carried out interrogations appeared in court as experts, but were in actual fact witnesses for the prosecution.

431. At this stage of the criminal trial, the accusation was one of "outrage against the power of the State, insulting Government officials, an attempt to destabilize the Government and misinforming the population". It must be noted that considering this last charge as a criminal act leads easily to restrictions on the freedom of expression, and gives members of the judiciary an area in which they can act highly subjectively. These charges increased legal uncertainty, because a charge of misleading the public can easily be brought against anyone, thus making the subjective assessment of the public official the determining factor.

432. As regards the signatories of the "Letter by the 90", not one of the nine who stood trial was given the opportunity to answer the charges, or present evidence or witnesses for the defence. The court passed sentence on 25 June. One of the accused was sentenced to six months, two of them to two years and the rest to three years. An appeal against the sentence was allowed, and the higher court upheld the sentences. It added further charges to those brought in by the court of first instance but did not increase the penalties.

433. In the 1991 final report (E/CN.4/1991/35, para. 480), the Special Representative made the following observation:

> "It may generally be considered that the trial of 23 signers of the so-called 'Letter by the 90' is a test case for the application of the rules of due process. International opinion concerning the investigation and trial of the signers of the letter will be based on the principles of criminal law applied, the evidence and its evaluation by the courts and the application of the rules of due process."

434. In an aide-mémoire transmitted to the Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva on 30 September 1991, the Special Representative requested the Iranian Government to provide a transcript of the proceedings against the nine persons sentenced, to determine, from the documents in the case whether the rules of due process had been applied. The Government failed to supply these documents, and therefore the evaluation of the case has had to be based solely on non-official sources.

435. The indictment against the nine persons when they went before the Revolutionary Court did not include espionage, which could have meant the death penalty for them. However, the list of crimes charges does not correspond to the contents of the "Letter by the 90", which went no further than requesting the application of the Constitution in force and criticizing the Government's economic policy.

436. There is information concerning the beating and ill-treatment of some of the signatories of the open letter who the Special Representative wanted, but was not allowed, to interview during his second visit to Iran. Furthermore, the trial was held in secret, allegedly for reasons of State security. Objectively, it is difficult to see how State security could have been jeopardized by a public trial, in particular since the charge of espionage had been dropped. The absence of a defence lawyer, the in camera trial and the fact that the accused were denied the possibility of personally and directly refuting the charges laid against them infringe the rules of due process of law. In this context, the Special Representative believes that the rules of due process of law were not observed in this case which was seen as a test case.

437. On 1 October 1991 the Special Representative, having received news that Mr. Ali Ardalan, one of the nine persons sentenced, was seriously ill in prison and that there were fears for his life, approached the Minister for Foreign Affairs, Mr. Ali Akbar Velayati, to ask him to intervene on humanitarian grounds and have Mr. Ali Ardalan transferred to a hospital (see paras. 8 and 9). A favourable reply was soon forthcoming and Mr. Ardalan was moved to a hospital. He is currently convalescing at home. The Special Representative is grateful to Mr. Velayati for his cooperation.

438. An official communication has been received regarding new legislation on the mandatory presence of an attorney in all courts including military, revolutionary and ecclesiastical courts, and the annulment of proceedings at which the defence is not present (see para. 15). The Council of Guardians objected to the legislation believing it to be contrary to the principles of Islamic law and the Constitution, but the Council for the Determination of Exigencies of the State deemed it constitutional, which removed any obstacles in the way of its implementation.

439. According to reports received, this legislation covers solely the adversary stage of the judicial process but does not go as far as the investigation process, i.e. concerns only the plenary or oral proceedings, not the examination or pre-trial proceedings. Defence counsel is essential from the moment of arrest and throughout the investigation, because during that stage the elements of proof are established and the nature of the adversary proceedings is determined.

440. The Special Representative is unable to state whether the aforementioned legislation guarantees the right of defence as laid down in international instruments. The term used in the legislation is vakil (attorney) which in Islamic law is a person of Islamic faith with the honesty and good judgement needed to represent another person in court. International instruments demand the assistance of a qualified lawyer, i.e., someone who has studied law in depth, has made law his or her occupation and is legally authorized to represent his or her client in court. Accordingly, the assistance of persons without professional or specialized qualifications, does not meet the requirements of international instruments. The term which may cover this requirement is vakil-e-dadgostari, which is equivalent to an attorney-at-law.

441. It emerged from the interviews in Tehran that the provision of the new legislation on the defence of the accused, under which proceedings conducted without the assistance of a defence lawyer are considered null and void will not apply to trials which took place before the new legislation came into force. However, the mandatory assistance of counsel is provided for in the Constitution, and it could therefore be argued that the application of constitutional precepts is conditioned by or subordinate to the promulgation of implementing legislation. This would make many constitutional precepts nothing more than a mere declaration of intent, instead of higher and mandatory legislation.

442. A doctrine which was more in harmony with the sense, function and spirit of the fundamental law, would apply constitutional precepts even when implementing legislation did not exist. Therefore, the application of such precepts would not depend on whether or not the legislature promulgates the implementing legislation but would be vested in public officials who have either judicial or administrative jurisdiction. In the modern State the constitutional system invariably has competent bodies for the direct and immediate application of constitutional precepts.

443. Thus, the higher court would be able to quash sentences handed down in trials that had taken place without a defence counsel before the new Act had come into force. Other more controversial technical solutions could also be adopted: the case file could simply be returned to the lower court in order for the court to comply with that essential requirement for a criminal trial to be valid; or alternatively the widely accepted distinction between absolute nullity and nullity (as distinct from nullity of substance could be invoked). No judgement or criminal sentence handed down in the absence of a defence counsel should be recognized as definitive and lawful grounds for a declaration of guilt.

7. Agreement with the International Committee of the Red Cross for prison visits

444. The seventh recommendation is as follows:

> "(g) A specific agreement should be concluded soon with the International Committee of the Red Cross so that prison visits may be carried out regularly and without exception;"

445. At the beginning of 1990, during the first visit to Iran, the Iranian Government responded favourably to the steps taken by the Special Representative to obtain permission for the International Committee of the Red Cross to visit prisons, and shortly afterwards it was announced that the relevant negotiations had begun. Finally, on 21 November 1991, the Government and ICRC signed an agreement authorizing prison visits on the terms usually specified by the agreements between ICRC and various States. The agreements entered into by ICRC contain a number of clauses that must be strictly complied with, as they concern the fundamental principles of its humanitarian action. Those principles are: the right to visit all prisons without

exception; private interviews with any category of prisoner, who may be freely chosen; periodic visits to prisons and repeat visits with the same prisoners, at the discretion of ICRC. In addition, ICRC reports are strictly confidential.

446. In the view of the Special Representative, agreements that constitute part of international monitoring of human rights possess special features attributable to their origin and their objective, i.e. to their very nature. They are governed by the principle of good faith, which requires strict compliance with promises freely made, and which applies to international action and agreements without exception. The agreements are a tangible and specific form of general obligation contained in current international instruments which the international community promotes and safeguards by means of its competent bodies. Consequently, they may neither be amended, suspended nor cancelled ad libitum by countries that have entered into commitments as a result of them. The agreements, together with any others drawn up and signed within the framework of international human rights monitoring, may only be amended, suspended or cancelled when the causes that gave rise to them have disappeared, and with the consent of the parties.

8. The right of association

447. The eighth recommendation is as follows:

> "(h) The legal functioning of independent organizations should be authorized, including political organizations and organizations that seek to defend human rights".

448. During his third visit to Iran, the Special Representative noted that the situation with regard to the right of association had remained unchanged since his second visit. Some associations had been authorized, but other fringe groups had still not been legally authorized. The Freedom Movement and the Association for the Defence of the Freedom and Sovereignty of the Iranian Nation, mentioned in previous reports, were in a delicate position, as many of their members had signed the so-called "Letter by the 90"; 23 of them were charged and finally 5 who refused to confess were sentenced (see paras. 167-170) to prison and to flogging and four others to prison. The Freedom Movement has recently submitted a further request to be legalized, which, according to the competent officials, could be decided upon in the coming months.

449. The Lawyers' Association is in the same position as described in previous reports by the Special Representative. Lawyers belong to the Association and pay their dues but the authorities appoint the Association's leaders (see chapter III and annex VII). The Medical Association has not yet been able to regularize its situation, although elections to its governing bodies had been held a few months previously.

9. Abolition of prior examination of books and forms of artistic creation

450. The ninth recommendation is as follows:

> "(i) The prior examination of books and forms of artistic creation in general should end".

451. In respect of this recommendation, the Special Representative has been informed that artistic creations are no longer subject to strict censorship, although authors remain liable for their works. Books no longer require prior authorization, but authors are still liable if they disregard mandatory literary principles. Consequently, artists and writers are subject to a form of self-censorship. Although there has been a change in form, the substantive restrictions remain in force.

10. Freedom of information and guarantees for journalists

452. The relevant recommendation is as follows:

> "(j) Measures should be adopted to guarantee genuine freedom for the media and journalists should enjoy full guarantees for their professional activities".

453. With regard to freedom for the media and guarantees for journalists, the Special Representative was provided with on-the-spot information during his previous visits. Chapter III of this report refers to the prevailing feeling among Iranian writers, journalists and artists that they are expected to practise self-censorship. Information from official sources concerned the issue of the subsidized price of imported paper, which was criticized in the previous report as a potential means of political manipulation. Although the price of freely imported paper is currently only twice that of subsidized paper, the situation can still be used as a means of persuasion or of exerting pressure, although it has become less powerful as the differential between the price of freely imported paper and that of subsidized paper used to be 10 or more to one (see chapter III above).

11. Compensation to persons or families affected by violations of human rights

454. In this recommendation, a request was made to the Government of the Islamic Republic of Iran that "(k) compensation should be granted to persons affected by violations of human rights or to members of their families".

455. The Special Representative was informed that the new penal law bill provides for moral and material compensation. No information is available as to when it will become law and come into force, nor are its actual contents known, as no copy of the bill has been received. Nor has any information been received concerning any specific case in which compensation has been paid to any person affected by human rights violations.

12. Specific instructions to officials and employees to observe human rights

456. This recommendation is as follows:

> "(l) Officials, employees and agents should be instructed specifically to apply laws and administrative decisions forthwith and to maintain direct contacts in police and judicial matters; they should be informed that they have an obligation to conform in their behaviour to international principles and standards on human rights and to refrain, *inter alia*, from taking initiatives that are outside their legal powers and that they must avoid any action which may be regarded as intimidatory and which may create doubts about the normal operations of the institutions."

457. No information has been received of any instructions that correspond to this recommendation. The issue of human rights was the subject of three seminars in Tehran and has been raised in the media and in statements by officials, with special attention to differences between the Islamic interpretation of human rights and human rights as they appear in the international instruments, which are attributed to the Judaeo-Christian tradition.

458. Thanks to the activities of the United Nations, public opinion is nowadays more familiar with international human rights doctrine and practice than in the past, although they are subject to criticism. However, theoretical and practical guidance for officials and agents, principally the police and the judiciary, as well as prison officials, remains essential and there is no indication that any direct action has been taken in this respect by the Government of Iran.

13. Bringing to trial agents and officials guilty of human rights violations

459. The relevant recommendation is as follows:

> "(m) The investigation of the allegations transmitted to the Government should be pursued and, as a practical outcome of the investigations, agents or officials who have taken extra-legal initiatives or violated human rights should be brought to trial."

460. The Government provided the Special Representative with a list of nine cases of violations of the human rights of prisoners by prison personnel (see annex III).

461. However, no information has been received regarding investigations that might have led to the determination of responsibility for extra-legal initiatives or violation of human rights by other officials and agents. In the past, official reports were made concerning judges dismissed for misapplication of the law, and in one case the Special Representative was given a copy of the file.

14. Extension of measures of clemency

462. The recommendation is as follows:

> "(n) Measures of clemency for persons convicted of various offences should continue to be granted and should be extended in scope, particularly in the case of persons sentenced to capital punishment and for persons sentenced for political offences."

463. In 1991, the Government of Iran officially reported on measures of clemency granted in connection with the following events: the anniversary of the victory of the Islamic revolution (release of 9,863 prisoners), the anniversary of the establishment of the Islamic Republic of Iran (release or commutation of the sentences of 124 prisoners) and the anniversary of the birth of the Prophet. The measures of clemency adopted in connection with the anniversary of the birth of the Prophet concerned 702 prisoners, convicted by the ordinary, revolutionary or military courts or by special courts for the clergy. The prisoners were released or had their penalties reduced. In a note dated 18 October 1991, the Special Representative requested more detailed information in order to determine, inter alia, the name and number of persons sentenced to death whose sentence had been commuted. The Government has also reported that remissions have been granted to recruits whose period of conscription had been extended as punishment after conviction for refusal to perform military service. The measures of clemency were proposed by the Head of the Judiciary, Ayatollah Mohammad Yazdi, and approved by the leader of the Islamic Republic, Ayatollah Seyed Ali Khamenei.

464. The request for more detailed information concerned the following points: a complete list of the names of beneficiaries, with the date and nature of their sentence, the charges against them, the court which handed down the sentence and the nature of the measure of clemency in each case. At the time of writing the report, no reply to the request had been received.

15. Dissemination of human rights

465. The fifteenth recommendation is as follows:

> "(o) The human rights teaching programme should go ahead, as far as possible with the technical assistance of the United Nations Centre for Human Rights".

466. The Department of Political and International Studies of the Ministry of Foreign Affairs planned and organized the third seminar on human rights which was held in Tehran from 9 to 12 September 1991. The Special Representative was invited, but was unable to attend because of a number of prior commitments.

467. The general theme of the seminar was fundamental human rights issues, in particular the following: (1) the politico-philosophical focus of human rights; (2) analysis of the Universal Declaration of Human Rights and of Western attitudes; (3) human rights under Islam; (4) conceptual, philosophical and political foundations of the Universal Declaration and of other

international legal instruments; (5) historical study of human rights; and (6) comparative study of the Islamic Declaration of Human Rights and the Universal Declaration of Human Rights. At the opening and closing meetings, high government officials and experts set out the Islamic concept of human rights and addressed discrepancies between that concept and the current international system.

468. A dialogue took place between Iranian specialists and specialists from Western countries, as well as professors from several Islamic countries. Particular attention was focused on the Universal Declaration of Human Rights, which the majority of Iranian specialists and specialists from other Islamic countries described as exclusively reflecting Western ideas and values and as excluding the values of other cultures, in particular those of Islam. The statements and discussions were of a fairly general nature and bore on normative aspects. Little reference was made to questions of implementation, apparently because most of the participants in the seminar were more interested in changing current international rules than in implementing them.

469. Several Iranian specialists argued that the Islamic concept of human rights was superior to the system contained in the Universal Declaration and in the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. The matter was not discussed in depth, and as a result no analysis was made of the discrepancies between the respective concepts or of their values. A number of participants were categorically opposed to the death penalty, and no small number expressed their concern about the human rights situation in the Islamic Republic of Iran.

470. In connection with the third international seminar, the Iranian press and radio highlighted the main topics outlined and discussed, and a number of human rights issues were publicized. The same terms are frequently interpreted differently. No explanation was given of the philosophical and legal grounds for criticizing the Universal Declaration and asserting the superiority of the Islamic interpretation. Nor was any explanation given for the desire of some countries to depart from universal rules they had freely accepted and whose observance was advocated by public opinion throughout the world, on philosophical, moral, political and essentially legal grounds.

471. The seminar was the third of a series. Through a variety of activities designed to promote human rights, both in official and private spheres, it seems to have opened the way for debate and dissemination, which by their very nature are beneficial. Although observance of human rights is ensured by the law and by the administration, widespread knowledge and conviction are also an important factor. Human rights must first and foremost take root in people's minds and are enjoyed to the full when they have permeated the collective consciousness and when citizens have adopted them as a creed, the creed of a new international world.

V. CONCLUSIONS

472. The conclusions relating to the new topics covered by the mandate appear in chapter IV of this report, which is devoted to considerations and observations. In accordance with Commission on Human Rights resolution 1991/82, the focal point of the renewed mandate has been alleged

violations of human rights affecting individuals, regardless of whether they are members of organizations or of political or religious minorities. Despite their importance, the new topics have not supplanted those examined since international monitoring began in 1984.

473. International monitoring concerns commitments in the sphere of human rights freely entered into and agreed upon by the Islamic Republic of Iran, and admits no degree of qualification or of subordination to other concepts seeking to establish themselves within the international community. As long as international law is in force, it must be complied with, although this naturally does not exclude the possibility of reform.

474. On the basis of the considerations and observations contained in chapter IV, it may be asserted that in 1991 the Islamic Republic of Iran made no appreciable progress towards improved compliance with human rights in accordance with the current international instruments.

475. The status quo ante has predominated as far as respect for human rights is concerned. Statements of intent have been made concerning observance and the elaboration of legislative reforms, together with promises, although for the time being those intentions and promises have not been carried out to a sufficiently significant extent to ensure normal observance of human rights. The signing of an agreement to allow the International Committee of the Red Cross to visit prisons as from January 1992 is a positive step; it is to be hoped that this agreement will remain in force as long as is necessary, and shall apply in full, without any exceptions.

476. Attention should be drawn to the following aspects, which represent the areas of greatest weakness regarding human rights in Iran: manifestly excessive use of the death penalty; the lack of the guarantees of due process of law; discrimination against certain groups of citizens on account of their religious beliefs, specifically the Baha'is; the absence of independent associations and of a climate of legal certainty and guarantees for the expression of literary and artistic thought and creativity.

477. As regards the death penalty, the number of executions in 1991 was considerably higher than in the previous two years. Due process of law was not observed in the case of the sentences against nine of the signatories of the Letter by the 90 who refused to make a public confession, and which was highlighted as a test case for the effectiveness of due process of law. No association independent from the regime has been authorized, and the Lawyers' Association remains under official control.

478. In the circumstances described, the Special Representative is of the opinion that international monitoring of the situation of human rights and fundamental freedoms in the Islamic Republic of Iran should continue, and that the Government of Iran should once again be urgently called upon to comply with international human rights standards, without any exception and any conditions, qualifications and modifications deriving from highly specific cultural concepts.

Annex I

OFFICIAL PROGRAMME OF THE THIRD VISIT OF THE SPECIAL REPRESENTATIVE TO THE ISLAMIC REPUBLIC OF IRAN (8-14 DECEMBER 1991)

Sunday, 8 December 1991

03.25 Arrival at Tehran airport. Welcome by Mr. Hosseini, Director of the Department for Human Rights and International Social Affairs (Ministry of Foreign Affairs)

15.30 Meeting with H.E. Mr. Besharaty, First Deputy to the Minister of Foreign Affairs

16.30 Meeting with H.E. Mr. S. Nasseri, Ambassador, Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva

Monday, 9 December 1991

09.00 Meeting at the Ministry of the Interior, with H.E. Mr. Atrian-Far, Political Deputy to the Minister of the Interior, H.E. General Sayfollahi, Chief of Anti-Drug Headquarters, Mr. Hosseini, Director General of the Ministry of the Interior, Mr. Mobalegh, responsible official for political parties and elections, and H.E. Mr. Zargar

12.30 Luncheon given by H.E. Mr. Atrian-Far

15.00 Meeting with H.E. Hojatoleslam Shoshtary, Minister of Justice

17.30 Meeting with H.E. Hojatoleslam Mohagheghe Damad, Inspector-General

Tuesday, 10 December 1991

08.30 Visit to Evin prison and meeting with prisoners

Wednesday, 11 December 1991

09.00	Meeting with H.E. Dr. Mehrpour, Deputy to the Chief of Judiciary, and participation in a round-table discussion with several high-ranking legal officials
11.00	Meeting with Mr. Adeli, Governor of the Central Bank
12.00	Meeting with Mr. Mousavi, Director-General for the press at the Ministry of Islamic Guidance
12.30	Luncheon given by H.E. Mr. Besharati, First Deputy to the Minister of Foreign Affairs
15.00	Meeting with UNHCR Tehran
17.00	Meeting at the Institute for Chemical War Victims with Dr. Forutan, Revolutionary Guards Corps; Dr. Amir Esmail Saghafi, Command Headquarters of the Chief of the Armed Forces, and Mr. Sadr, Director General for International Affairs of the Red Crescent Society of the Islamic Republic of Iran

Thursday, 12 December 1991

09.00	Visit and meeting with prisoners at Gohardasht prison
17.00	Meeting with Iranian non-governmental organizations

Friday, 13 December 1991

08.00	Meeting with Mr. Hojatoleslam Zargar, Special Prosecutor for Narcotic Drugs
10.00	Meeting with H.E. Mr. S. Nasseri, Ambassador, Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva
13.00	Luncheon given by H.E. Mr. S. Nasseri
19.00	Meeting with Iranian non-governmental organizations

Saturday, 14 December 1991

02.50	Departure for Geneva

Annex II

1. INITIAL LIST OF PRISONERS IN EVIN PRISON, WHOM THE SPECIAL REPRESENTATIVE REQUESTED TO INTERVIEW

(Handed to the Iranian authorities on 8 December 1991 in Tehran)

Out of the 30 persons included in this list, the Special Representative could meet 12 (their names are underlined). The reasons given by the authorities for not being able to present the remaining 18 persons are indicated in the following table

Names	Reasons given by the authorities for not being able to present the prisoners to the Special Representative
Szimkus, Helmut	
Bowden, John	Under investigation
Pasha or Basha, Ibrahim	Under investigation for crime committed inside the prison
Dr. Bagha'i	
Agahy, Bahman	
Kamrani, Amir Houshang	
Fathi, Vazir	
Mithaqi, Bihnam	
Mohammadi, Malakeh	On leave
Shetabi, Hossein	Not in Evin prison
Kayvan Khalajabadi	
Sedaghat, Ali	
Sedaghat, Sakineh	On leave since 22 September 1990
Amiri-Bigvand, Jamshid	
Amjadi-Bigvand, Hoosang	Under investigation
Kianouri, Noureddin	(No longer in Evin prison, under house arrest)

Names	Reasons given by the authorities for not being able to present the prisoners to the Special Representative
Feirouz, Meriam	(No longer in Evin prison, under house arrest)
Hoseini-Yazdi, Ibrahim	Released on 15 April 1991
Dibaj, Mehdi	Not in Evin prison
Shalgunii, Ali, Akbar	On leave 9 February 1991. (Sentenced to 15 years, free pending decision on request for pardon)
Bazargan, Abdol Ali	On leave
Davaran, Habib	On leave
Mansourian, Khossro	
Movahed, Nezamedine	On leave
Sabaghian, Hashem	
Shahshahani, Shams	
Tavassoli Hojati, Mohammad	
Zarrinehbaf, Akbar	On leave
Amouyi, Farzaneh	Being treated at hospital on day of visit
Sabetjahrowi, Faezeh	Released 3 years ago

2. ADDITIONAL LIST OF PRISONERS IN EVIN PRISON, WHOM THE SPECIAL REPRESENTATIVE REQUESTED TO INTERVIEW

(Handed to the Iranian authorities on 10 December 1991 at Evin prison)

Out of the seven persons included in this list, the Special Representative was able to meet one (name underlined). The reasons given by the authorities for not been able to present the remaining six persons are indicated in the following table:

Names	Reasons given by the authorities for not being able to present the prisoners to the Special Representative
Entezam, Amir	
Dashtgerd, Hossein	Under investigation
Rahim Bakhtiari, Mohammed	Under investigation
Javian, Farhad	Not in Evin prison
Afshari-Rad, Morteza	Not in Evin prison
Dalanpour, Hagi	Not in Evin prison
Shakeri, Mansour	Not in Evin prison

3. LIST OF PRISONERS IN GOHARDASHT PRISON, WHOM THE SPECIAL REPRESENTATIVE REQUESTED TO INTERVIEW

(Handed to the Iranian authorities on 12 December 1991 at Gohardasht prison)

Names	Reasons given by the authorities for not being able to present the prisoners to the Special Representative
Mohammadi, Reza	Not identified
Mithaqi, Bakhshu'llah	Not in Gohardasht

Annex III

LIST OF VIOLATIONS COMMITTED BY THE PERSONNEL OF PRISONS IN CONNECTION WITH PRISONERS

(Provided by the Government on 18 December 1991)

Type of crime committed	Particulars of complainant	Particulars of accused	Number of judicial file	Judicial authority	Judicial decision
Insult, aggressiveness and inquisitiveness	Prisoner Reza Yousefi	Draftee Jamal Saydi	43/105/644/4	Bakhtarian's Military Prosecutor's Office	Under investigation
Assault/beating of prisoners	Prisoners 1. Ebrahim Ghanbari 2. Shabanali Ghanbari	1. Abolhasan Mehrabi 2. Asghar Jahedpour 3. Alireza Nejadpazho	1-2/B/5228/63	Tehran's Islamic Revolution Prosecutor's Office	Non-prosecution
Assault leading to injury to prisoners	Prisoner Behrouz Aghajari	Draftee Kamal Mahdavi	B/5/11/12/70	Fars' Public Prosecutor's Office	Setting bail at 1 million rials
Assault/beating of a number of prisoners	Chahbahar prisoners	First Lieutenant Abdullah Noorizehi	990/11/55/70	Sistan of Baluchestan's Military Prosecutor's Office	Verdict for bail
Assault leading to injury	Prisoner Abasali Eshkevadi	1. Fatolah Rahmani 2. Morteza Poria 3. Eysa Kousar	40/4136/70	Kurdistan's Military Prosecutor's Office	Verdict for bail
Failing to send the prisoner to court on time	Prisoner Naser Ghorbani	1. Ebrahim Khalaj 2. Yousef Zarini 3. Rezagholi Razian	A/36/10216	Tehran's Military Prosecutor's Office	Under investigation
Indecent relation with prisoners	Organization of prisons	Draftee Mohammad Daryabaygi	43/108/H/2208	Khozestan's Military Prosecutor's Office	Under investigation
Embezzlement of family of prisoners	Organization of prisons	Draftee Abdolmajid Bassiri	43/106/H/2197	"	"
Having indecent relation with female quarter	Organization of prisons	Draftee Hossein Taghavi	K21 171/20/1185/70	Mazadaran Military Prosecutor's Office	RLS 20,000 pecuniary punishment of unfixed punishment

Annex IV

LIST OF PERSONS (AND THE CRIMES THEY COMMITTED) EXECUTED DURING 1991 AFTER DUE JUDICIAL PROCEDURES

(Provided by the Government on 18 December 1991)

Name	Crimes committed
Ahmad Asghari	Distribution of arms in 16 cases of armed robbery, murdering 6 persons
Yacoub Ali Karimi	Forgery of foreign currencies, participation in 7 cases of armed robbery, 2 counts of murder
Mohammad Kasim Ghasemi	An Afghan citizen who participated in 6 cases of armed robbery
Gholam Mazrat Atai	An Afghan citizen with 5 cases of armed robbery and 1 case of murder
Ghol Mohammad Sekhavati	An Afghan citizen with 12 cases of armed robbery and 3 cases of murder
Gholam Momeni	An Afghan citizen with 10 cases of armed robbery and 1 case of murder
Isa Barahouee	Looting a village, murdering 10 persons and injuring 35 residents of the village
Mohammad Ali Shakib	Causing insecurity, murdering 2 persons and carrying 200 kg of opium
Heyder Hashem-Zehi	Murderer of 2 persons
Hazrat Tajik	Assaulted law-enforcement agents with deadly weapons and murdering 5 persons
Soleyman Akhshani	Transaction of 2 kg of heroin and morphine
Abd-Allah Mazarhi	Transaction of 150 kg of hashish and heroin
Abd-Al Ghafar Abashi	Possession and distribution of 1 kg of heroin
Mohammad-Vali Barahoui	Transaction of 200 kg of opium
Malek Hosein-Zadeh	Possession and transaction of 6 kg of heroin and 25 kg of opium
Hosein Alkton	Possession and distribution of 10 kg of opium and 2 kg of heroin

Name	Crimes committed
Abd-Allah Yalad Mohammad	An Afghan citizen involved with transaction of 25 kg of heroin
Mohammad Davoudi	Transaction of 8 kg of opium, morphine and heroin
Khodadad Ali-Jani	Transaction of 10 kg of heroin
Mehdi Meshkat	Possession of 150 kg of heroin
Hosein Mahmad-Arya	Possession and distribution of 20 kg of heroin and morphine
Nazar Defa-Nia	Possession and transaction of 1 kg of heroin and 10 kg of opium
Delmorad Hooti	Assaulting law-enforcement agents with deadly weapons on various occasions and murdering 17 agents and possession of 20 kg of heroin and 780 kg of opium
Majid Balouchi	
Halouk (Khaleghdad) Balouchi	
Shokr-Allah Beighi	Possession of 12 kg of heroin and 250 kg of opium
Mangool Naseri	An Afghan citizen with possession of 12 kg of heroin and 250 kg of opium
Seyed Mohammad Ghasemi	Possession of 12 kg of heroin and 250 kg of opium
Sahereh Barakouee	Distribution of 1 kg of opium and 13 kg of heroin
Ghasem Nikravesh	Transaction of 630 kg of opium and 125 kg of heroin and 50 weapons
Ebrahim Kazemian	Transaction of 30 kg of hashish, 17 kg of heroin and 120 kg of opium
Mohammad Nir-Kiani	Transaction of 16 kg of heroin and 200 kg of morphine
Reza Pir-Mojdehi	Possession and distribution of 2 kg of heroin and 50 kg of opium
Ahmad Mirzaei	Transaction of 50 kg of opium and 2.5 kg of heroin
Zahra Kazem Zadeh	Possession of 3 kg of heroin

Name	Crimes committed
Homayaoun Rezai	Transaction of 1 kg of heroin
Ali-Khan Mazaher-Zehi	Possession of 4 kg of heroin and 10 kg of opium
Ramazan-Ali Dehghan-Moghadam	Transaction of 15 kg of heroin
Mehdi Atash-Afrouz	Possession of 15 kg of heroin and 30 kg of opium
Mohammad Neyestani	Transaction of 43 kg of heroin
Rasoul Narduel	Possession and distribution of 3 kg of heroin
Haji-Mohamad Ask-Zohi	Possession of 1 kg of heroin
Majid Noor-Zehi	Transaction of 500 kg of heroin
Aziz-Allah Ghorghige	Transaction of 150 kg of heroin
Younes Saeedi-Nejad	Transaction of 96 kg of opium and heroin
Rajab-Ali Rahnama	Distribution of 40 kg of heroin
Khoda-Morad Borji	Possession and distribution of 13 kg of heroin
Esmael Tavakol	Transaction of 100 kg of opium and morphine
Yad-Allah Kamal-Afdini	Possession and distribution of 106 kg of opium and heroin
Melahat Tara-Najad	Possession of 300 kg of hashish, heroin and 183 kg of opium
Faraj-Allah Menbari	Assault with deadly weapons and murdering 5 persons, with 10 cases of hostage-taking and kidnapping
Shapour Sharrati	Assaulted law-enforcement agents and a murder
Sharyar Asadi-Moghadam	Assaulted law-enforcement agents with deadly weapons and exploding a minibus
Khaled Banafsh	Assaulted law-enforcement agents with deadly weapons, espionage and murdering 1 person
Ayoub Zandi	Assaulted law-enforcement agents and 2 counts of murder
Ebrahim Mousa	Assault with deadly weapons, 2 counts of murder
Senan Hakimi	One count of murder, 2 cases of kidnapping

Name	Crimes committed
Hasan Gholi-Zadeh	Stabbing a pregnant woman to death and injuring 2 other persons
Mohmoud-Reza Mahmoud Monfared	Murdering a 3-year-old boy and a man
Syavash Ali-Mirzai	Murdering a man and a 3-year-old child
Mohamad Saeedi	Possession and transaction of 10 kg of heroin
Fazi-Allah Pash	An Afghan citizen in possession of 200 kg of heroin and transaction of 2 kg of morphine
Ghorban-Ali Karimi	Transaction of 1 kg of heroin
Reza Yousafi	Possession of 100 kg of opium
Aman-Allah Banou Far	Transaction of 1 kg of heroin and morphine
Mohamad-Ali Shahraki	Transaction of 20 kg of opium and murdering 5 persons
Rajab Pour-Ali	Transaction of 10 kg of hashish and 5 cases of armed kidnapping
Ahmad Amiri	Transaction of 2 kg of heroin and murdering 2 law-enforcement agents
Abol Ghasem Hasanzadeh	Transaction of 10 kg of opium
Nader Shoeibi	Transaction and distribution of 10 kg of opium
Abbas Nashi	Possession and distribution of kg of heroin
Rahmat Ravan	Possession and distribution of 6 kg of opium and heroin
Gholam-Reza Ahi	Possession and distribution of 3 kg of heroin
Mohsen Seif-Allahi	Armed assaults, transaction of 500 g of heroin
Hakim Mokri	Possession of more than 100 kg of opium and heroin
Asgher Ghantari	Transaction of 56 kg of opium and 500 g of heroin
Nosrat-Allah Soleymani	Transaction of 2 kg of heroin and 10 kg of hashish

Name	Crimes committed
Seyed Ali-Akbar Ggazu-Askar	Transaction of 3 kg of heroin
Abd-Al-Raouf Mazareu	Possession and distribution of 1 kg of heroin
Hatam Zanghi Darestani	Transaction of 75 kg of opium and heroin
Rahim Rahmati	Transaction of 150 kg of heroin and possession of 20 kg of opium
Jomeh Seifi	Transaction of 50 kg of heroin
Paliz Khodavardi	Transaction of 15 kg of heroin and 45 kg of opium
Buymohamad Dastegari	Transaction of 15 kg of heroin
Ali-Mohamad Davari	Transaction of 1 kg and 30 kg of hashish

Annex V

GOVERNMENT INFORMATION RELATING TO THE LIST OF PRISONERS HANDED TO THE IRANIAN AUTHORITIES ON 8 DECEMBER 1991 IN TEHRAN

The Special Representative requested to receive information on the fate or whereabouts of the prisoners listed below. By letter dated 18 December 1991, the Government provided the following replies:

Name	Reference*
Szimkus, Helmut	4
Bowden, John	5
Pasha or Basha Ibrahim	5
Dr. Bagha'i	4
Agahy, Bahman	4
Ashraf, Ardeshear	1
Bastan, Ahmad	1
Dorudiahi, Nahid	1
Hakeamy, Kyanoosh	1
Kamrani, Amir Houshang	1
Barati, Farzad	1
Borzui, Baghir	1
Fathi, Vazir	4
Khalajabadi, Kayvan	4
Mansouri, Akbar	2 (On leave since 15 May 1991)
Mithaqi, Bihnam	4

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* 1. Not identified, more information needed.
2. On leave.
3. Released.
4. Visited by the Special Representative.
5. Still in prison.
6. Living outside prison under house arrest.

Name	Reference*
Mohammadi, Malakeh	2
Mottahedine, Mahmoud	1
Pirasanan, Fathollah	2 (On leave since 25 July 1989)
Razaghi, Mehrdad	1
Shetabi, Hossein	1
Youssef, Haidar	1
Zaboli, Abbas	1
Ziaiha, Ali	1
Mozafar, Davoud	1
Sedaghat, Ali	4
Sedaghat, Sakineh	2 (On leave since 22 September 1990)
Amiri-Bigvand, Jamshid	4
Amjadi-Bigvand, Hoosang	5
Kianouri, Noureddin	6 (Living outside prison with his wife under house arrest)
Feirouz, Meriam	6 (Living outside prison with her husband under house arrest)
Mir Rahimi, Davoud	1
Mrs. Zamani	1
Mr. Jafarpour	1
Rohdaki, Ahmad	3 (Released on 19 March 1988)
Giassi, Khalil	3 (Released on 25 November 1989)
Aminal Reaya, Mohammad	1
Dr. Assadi	1
Naghizadeh, Norouz	1
Khosroshani-Baradaran, Monir	1

Name	Reference*
Ahmadian, Faramarz	1
Hoseini-Yazdi, Ibrahim	3 (Released on 15 April 1991)
Taghi Rahimpour, Mohammad	1
Barariy, Nasser	1
Felahati, Zahra	1
Dibaj, Mehdi	1
Shalgunii, Ali, Akbar	1 (On leave since 9 February 1991)
Bazargan, Abdol Ali	2
Davaran, Habib	2
Mansourian, Khossro	4
Movahed, Nezamedine	2
Sabaghian, Hashem	4
Shahshahani, Shams	2
Tavassoli Hojati, Mohammad	4
Zarrinehbaf, Akbar	2
Mohammadi, Reza	1

Annex VI

GOVERNMENT INFORMATION RELATING TO THE LIST OF FEMALE PRISONERS PRESENTED BY THE SPECIAL REPRESENTATIVE BY MEMORANDUM DATED 2 OCTOBER 1991

Name	Reference*
Akhbari-Azad, Kamelia	2
Aligholi, Shokoufeh	3
Alimohamadi, Soraya	3
Baghai, Katayoun	2
Beiromvand, Akram	1
Darzi, Manijeh	2 (On leave since 8 May 1991)
Dodeir, Omékolsoum	2 (On leave since 16 August 1990)
Eshraghi, Fatemeh	1
Farahzadi, Zahra	2 (On leave since 25 June 1991)
Fardbar, Zoya	6
Fazeli, Akhtar	2
Fazlollahi, Mina	2 (On leave since 7 May 1991)
Gashtasbi, Tahmineh	2 (On leave since 19 March 1991)
Ghafari, Mahin	2
Ghanavati, Zeinab	1
Ghazimoradi, Maryam	2 (On leave since 15 May 1991)
Hadjinasrollah, Masoumeh	2
Hadjinadjafi, Fatemeh	2

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* 1. Not identified, more information needed.
2. On leave.
3. Released.
4. Visited by the Special Representative.
5. Still in prison.
6. No governmental reply.

Name	Reference*
Ipakchi, Homa	2
Kaabinejad, Souri	2
Kamrouz-e-khodayar, Mehrnaz	1
Khodajou, Nahid	1
Golrokh, Ladan	2
Mahdavi, Shahrzad	2
Moghimi, Mehrafagh	2
Naseri, Minoo	2
Nasiri, Ghadamkheir	2
Nava, Robab	2 (On leave since October 1990)
Nodinian, Nasrin	1
Nouri, Maryam	2 (On leave since June 1990)
Rahmani, Mohtaram	3 (Released on 18 May 1991)
Rahmanizadeh, Anahita	2 (On leave since 28 April 1991)
Radji, Farzaneh	2 (On leave since 20 March 1991)
Ramezani, Mehrangiz	3 (Released in October 1988)
Salahi, Mehri	2 (On leave since 20 December 1990)
Salehi, Simin	3 (Released on 22 May 1991)
Salimi-badr, Nasrin	2
Samadi, Tahereh	3 (Released on 26 July 1991)
Samiei, Shahin	1
Seiedali, Nayereh	2
Sepehri-Rahnama, Maryambanou	1
Shahrokhi, Nasrin	2
Soleimani, Farkhondeh	1

Name	Reference*
Tahami, Mitra	2
Talebi, Shahla	2
Talebi, Zeinab	3 (Released on 26 April 1991)
Taman, Ashraf	1
Tofanian, Bahareh	2
Tofighi, Mahin	2
Torshizian, Parivash	2
Vasighi, Sakineh	2
Fayaz, Firouzeh	1
Amouyi, Farzaneh	5 (In Hospital)
Sabetjahrowi, Faezeh	2

Annex VII

ACT CONCERNING THE REFORM OF LAWYERS' ASSOCIATIONS OF THE MINISTRY OF JUSTICE OF THE ISLAMIC REPUBLIC OF IRAN

Article 1. A Reform Council composed of six lawyers of the Ministry and of three judges is hereby appointed for a period of one year by the President of the Judiciary in order to reform the lawyers' associations of the Ministry of Justice of the Islamic Republic of Iran. With a view to accelerating the procedure, the Council shall be divided into three independent chambers, each composed of two lawyers and a judge. The Chairman of the first chamber shall also serve as the Administrative Chairman of all three chambers.

Note 1. The Council shall prepare, within a period of one month, a set of rules (statutes) concerning procedure, the convening of meetings and the procedure for the preparation of judgements, and shall submit that text for the approval of the President of the Judiciary.

Note 2. During the period preceding the implementation of the present Act, elections to the administrative boards of lawyers' associations shall be suspended; they shall be resumed after the implementation of the Act.

Article 2. All Ministries, organizations, organs and public institutions of the Islamic Republic of Iran are required to communicate any information they may be requested to transmit within the time limits laid down by the Council.

Article 3. Lawyers shall have the right to attend the hearings which concern them, and may speak in their own defence or submit statements in defence.

Article 4. Cases of refusal decreed by the examining judge shall have the force of law and shall be notified to the other chambers of the Council.

Article 5. A barrister shall be permanently struck off the rolls in the following cases:

(a) Occupancy of posts under the previous regime:

(i) Ministers and vice-Ministers; members of Parliament or members of the Senate after the month of Khordad 1342, ambassadors and provincial governors after the month of Khordad 1342, members of the Parliament of Founders.

(ii) Agents and informers of Savak.

(iii) Secretaries of the "Rastakhiz" party, now dissolved, at or above the level of provinces and major cities.

(iv) Members of Masonic or related organizations or of organizations connected with zionism.

(v) Persons having contributed towards the consolidation of the previous regime.

(vi) Persons having utilized the means of the barristers' association in order to promote the objectives of the Rastakhiz party and of the previous regime.

(b) Persons who have been definitively convicted of one of the following crimes:

(i) Participation in rebellions against the Islamic Republic or active support of illegal groups.

(ii) Membership of espionage organizations on behalf of foreign powers, before or since the Islamic Revolution.

(iii) Participation in foreign military forces against the Islamic Republic or divulgation of State secrets or confidential documents.

(iv) Smuggling, extortion, embezzlement, fraud, theft, forgery, indecency or consumption of alcohol.

(c) Persons who fit into one of the following categories:

(i) Immoral behaviour.

(ii) Addiction to drugs or alcohol.

(iii) Acts or forms of behaviour contrary to the ethics and morality of the legal profession.

(iv) Membership of pernicious sects or organizations based on the denial of sacred religions.

(v) Membership or support of illegal organizations after they have been declared illegal.

Article 6. A barrister who has been struck off the rolls may appeal against the decision within 10 days of its adoption to the Supreme Disciplinary Court of Justice. Pending the decision of that court, the barrister shall not have the right to exercise his profession.

Note. The Supreme Disciplinary Court of Justice shall adopt each appeal within a period of three months and shall adopt a final decision.

Article 7. The present Act shall enter into force on 16/7/1370.

The present Act, which comprises seven articles and three notes, was adopted by Parliament in public session on 16/7/1370 and by the Council of Guardians on 16/7/1370.

(Signed) Mehdi Karroubi
Speaker of Parliament

Annex VIII

LETTER DATED 18 DECEMBER 1991 FROM THE DIRECTOR OF THE DEPARTMENT FOR HUMAN RIGHTS AND INTERNATIONAL SOCIAL AFFAIRS OF THE MINISTRY OF FOREIGN AFFAIRS OF THE ISLAMIC REPUBLIC OF IRAN ADDRESSED TO THE SPECIAL REPRESENTATIVE

Terrorism as a form of violence, organized for political purposes is not a new phenomenon and has always been considered a gross violation of human rights. One emanation of this phenomenon is the physical elimination of the nation's popular leaders by resorting to armed violence, and creating horror and insecurity among the people by blind killings of innocent people on the streets.

In spite of the fact that the Islamic Republic of Iran has been a victim of such an ominous phenomenon, the international community has unfairly and regrettably had a negligent eye towards this situation.

By resorting to different abhorrent methods, terrorist groups, since the very beginning of the victory of the Islamic Revolution assassinated various categories of people; from students, teachers, shopkeepers and simple workers to members of the army and the Islamic Revolution Guardians Corp at any rank and level, high-ranking officials of the country, namely the President, the Prime Minister, the Head of the Supreme Court and a number of ministers. For instance responsibility for the bomb blasts in the Prime Minister's office on 28 June 1981, and in the "Jomhouri Islami Party" headquarters on 30 August 1981 was admitted by the so-called "Peoples Mujahedin Khalq Organization". According to one of the reports published by this terrorist organization, the number of innocent people assassinated merely because of their pro-Revolution attitude amounts to more than 50,000.

The number provided by the said organization well illustrates the extent of terrorist activities of this group. On the other hand, based on strong evidence after the commencement of the imposed war, in order to enjoy the support ever more of the aliens the armed terrorist groups took the role of the enemy's fifth column, spying in the sensitive military installations and political economic institutions for the aggressor regime of Iraq.

War at the frontiers, alongside with the prevalence of an atmosphere of social insecurity as the consequence of illegal activities and armed violence by the groups opposing the Government, led to the emergence of a critical situation in the country.

Following their terrorist actions, in order to attract foreign support, these groups took refuge in Iraq and in some Western countries. Based on the internal jurisdiction authority, in persecuting the anti-humane and immoral crimes of this group, the Government of the Islamic Republic of Iran asked the concerned countries for the extradition of the criminals. Regrettably, these requests of the Government of the Islamic Republic of Iran did not receive an affirmative response.

This double standard in approach to the question of terrorism by some specific Western countries demonstrated their favoured political treatment towards grave violation of human rights by terrorist groups. As a consequence of this notorious Baghdad-based terrorist group, following the defeat of the Iraqi armed forces in the course of the Persian Gulf Crisis, this so-called "People's Mujahedin Khalq Organization" effectively contributed their share as mercenaries with the Iraqi army, repressing the uprising of Iraqi people. Such brutal crimes have been reflected in clear wording by Amnesty International in its report of June 1991 which reads as follows:

> "A number of (Iraqi) refugees who were interviewed also stated, however, that other Arab nationals and members of the Iranian opposition group, the People's Mujahedin Organization of Iran, had also taken part in carrying out extrajudicial killings alongside the Iraqi forces."

You, Sir, as the Special Representative of the Commission on Human Rights on the Situation of Human Rights in the Islamic Republic of Iran have followed closely the realities of the situation and certainly you are aware of the fact that most of the difficulties which Iran faces vis-à-vis human rights, directly or indirectly, emanates from the activities of the terrorist groups. As is clear from the resolutions of the United Nations all Governments and member States are duty bound to prevent the members of the terrorist groups using the territory of a State for their activities. It is therefore necessary that you recommend in your report to the Commission on Human Rights to States concerned not to put any facilities at the disposal of the terrorist groups.

Accept, Sir, the assurances of my highest consideration.

Hamid Reza HOSSEINI
Director of the Department for Human Rights
and International Social Affairs,
Ministry for Foreign Affairs
Islamic Republic of Iran

Annex IX

LETTER DATED 18 DECEMBER 1991 FROM THE DIRECTOR OF THE DEPARTMENT FOR HUMAN RIGHTS AND INTERNATIONAL SOCIAL AFFAIRS OF THE MINISTRY OF FOREIGN AFFAIRS OF THE ISLAMIC REPUBLIC OF IRAN ADDRESSED TO THE SPECIAL REPRESENTATIVE

The role of development in the promotion of human rights

Professor Galindo Pohl
Special Representative of the Human Rights Commission

Respect for human rights together with maintenance of peace and security and economic development are among the major goals set forth in the Charter of the United Nations. As the era of decolonization ended, the United Nations began to focus its attention on economic development, thus respect for human rights gained more momentum. Bearing in mind that economic development without respect for human rights will be devoid of its real content, it is an absolute necessity to consider the question of economic development and respect for human rights as two inseparable elements closely interrelated with each other. In other words, a balanced and coordinated economic development must be coupled with social progress, achievement of higher standard of living, and respect for human rights and basic freedoms. Therefore, any impediment in the way of economic development will bring about difficulties and shortcomings in the materialization of human rights.

The Iraqi invasion of the Islamic Republic of Iran, imposition of economic sanctions upon our country by some Western States, influx of foreign refugees to Iran as a result of several crises in the Middle East region have been the most important factors hindering the realisation of economic and social development in the Islamic Republic of Iran.

1. War and development

The massive invasion by the Iraqi army of the Islamic Republic of Iran on 22 September 1991 - in his recent report No. S/23273, to the Security Council, dated 9 December 1991, the Secretary-General, invoking the principle of non-resort to force, confirmed the violation of the territorial integrity of one member State by another - stopped all development plans in the country and inflicted huge economic, political, and social damage as well as human casualties. The extensive damage as a result of this aggression caused indisputable negative impacts on the promotion of human rights.

(a) The economic dimension

According to calculations, the amount of damage sustained by various economic sectors is as follows (in million Rials):

Agriculture	15 957 332
Mines	59 200
Industry	2 378 719
Oil	20 799 530
Power, Gas, and Water	2 938 657
Buildings	202 333
Services	22 827 867
Total	65 353 739

The cuts in development allocations to be used for defence purposes and the need to control the production and distribution system during the war in order to prevent social disorders and meet the basic requirements of the people undermined the Government's capability to implement development plans.

(b) Political and social dimensions

The state of war and lack of political and social security in the country due to espionage and terrorist activities by the fifth column and political groups dependent on foreigners, led to the adoption of special measures required for a wartime situation, and limitations on political and social activities.

(c) Human casualties

One hundred and twenty thousand martyrs and many more injured in the battlefields together with the victims of chemical attacks, aerial bombings, and [missile attacks on] cities and civilian targets are the product of eight years of uninterrupted aggression by the Iraqi army and violation of Iran's territorial integrity. Moreover, about 2,100,000 people in the war-stricken areas became homeless, and 35 major cities and hundreds of villages were destroyed by the Iraqi war machine. These are the odds of a war that gravely affected the promotion of human rights.

2. Economic sanctions and development

Imposition of economic sanctions against the Islamic Republic of Iran, arising from the political designs of the United States and some Western countries, and its continuation until now, has left behind unfavourable consequences on economic and social development. Inaccessibility to raw materials and technical equipment for productive units and service sectors gave rise to inflation and created a lot of difficulties in different economic sectors of the country.

Such economic sanctions on the part of Western countries indicate a contradiction between their words and deeds. These countries always claim that they advocate free trade. They officially announce in the international fora that there is a direct relationship between economic and social development, and promotion of human rights. They introduce human rights as a major factor in their policies towards their aid plans for development. Continuation of economic sanctions that even include chemical substances and medicines required for laboratories also blocked the implementation of envisaged development plans in the Islamic Republic of Iran, thus creating an unfavourable situation that undermined respect for and full observation of human rights.

3. Regional crises and development

The Middle East region, particularly the Persian Gulf, has always been a hotbed of developments and tensions. The geographical situation of Iran, and the appearance of certain crises in Afghanistan, Iraq and Kuwait during the past recent years, have forced us to host millions of refugees and foreign nationals. The presence of these refugees, apart from social, political, security and health problems, has created a heavy economic burden for the country. In spite of insufficient international aid, the Islamic Republic of Iran, on the basis of Islamic values and its humanitarian commitments, continues to help and meet the largest part of the refugees requirements.

It must be mentioned that detailed information concerning the economic, political and social situation of the Islamic Republic of Iran, as well as the envisaged economic and social development of the country, was provided during your meetings with Mr. Adeli, Governor of the Central Bank and officials of the Ministry of Interior.

Conclusion

With due regard to the aforementioned points, it is obvious that in dealing with the question of human rights in the Islamic Republic of Iran, the unquestionable role of economic development should not be overlooked, and that without sustained development all individuals and citizens of the Islamic Republic of Iran will remain deprived of their natural rights. Therefore we expect you to take this important question into account and call for the removal of all existing obstacles in the way of development in the Islamic Republic of Iran, thereby helping the qualitative promotion of human rights for all people. An all-out, responsible, and impartial examination of human rights in Iran requires that the important question of economic development should be dealt with equally and together with other matters to be raised in your reports.

Hamid Reza HOSSEINI
Director of the Department for Human Rights
and Social International Affairs

Annex X

THE LEGISLATURE
POLICE TRIBUNAL
Chamber 3

President:	Mrs. Manfrini
Judges:	Mr. Berta Mr. Droze
Clerk of the Court:	Mrs. Menetrey-Lugeon

JUDGEMENT OF THE POLICE TRIBUNAL

31 July 1991
Case No. TP/3 P/28461/90

Procurator-General

THE GOVERNMENT OF IRAN, claimant for criminal indemnification,

versus

Myriam GAZUT GOUDAL.

Reference is made to the covering letter of 23 April 1991.

WHEREAS Myriam Gazut Goudal is accused of having, at Geneva in 1990, publicly insulted a foreign State within the meaning of article 296 of the Swiss Penal Code.

In particular, she is charged with having written and published in the newspaper La Suisse of 26 April 1990 an article reporting a press conference which followed the assassination at Coppet on 24 April 1990 of Mr. Kazem Radjavi, a political opponent of the Islamic Republic of Iran.

It is claimed that the accused repeated allegations to the effect that the crime had been committed upon the orders of the President of the Islamic Republic of Iran and carried out with the assistance and supervision of the Ambassador of Iran to Switzerland and of the Ambassador of Iran to the United Nations at Geneva.

WHEREAS in its judgement of 17 May 1991 the Tribunal had already ruled that the charge of insult to a foreign State within the meaning of article 296 of the Swiss Penal Code was established in the present case.

In the same judgement, the Tribunal, applying, by analogy, article 173, chapter 2, of the Swiss Penal Code, ruled that the accused could prove the truth of the allegation or else prove her good faith.

Under the same provision, the accused shall not incur any penalty if she can prove that the allegations disseminated by her are in conformity with the truth or that she had sound reason for considering them to be true.

In the case in point, Myriam Gazut Goudal received preliminary authorization to demonstrate that the accusations made at the press conference by Mr. Kazem Radjavi's brother corresponded to the facts.

The Tribunal will recall that, according to case law, anyone accusing an individual of having committed an offence must, in order to prove the truth of the allegation, be able in principle to invoke a finding of guilt (ATF 106 IV p. 115 ff; JT 1981 IV p. 104 ff).

This is not so in the case under consideration.

The criminal proceedings conducted by the criminal courts of the Canton of Vaud following the assassination of Mr. Kazem Radjavi are not closed.

Obviously, therefore, it cannot be legally sustained that the accused was merely stating the truth when she accused the President of the Islamic Republic of Iran of being responsible for the crime.

In the absence of a finding of guilt by a judicial authority, such an accusation, which moreover is an extremely serious one, cannot be deemed true.

In this connection, the Tribunal will note that the press release which the Investigating Judge of the Canton of Vaud issued on 22 June 1990 and which has been added to the file is not tantamount to a judgement.

While it gives some information as to the possible perpetrators of the crime, the press release does not, contrary to what was stated in the offending article, mention the existence of a direct order given by the President of the Islamic Republic of Iran.

The Tribunal will thus consider that Myriam Gazut Goudal has failed to provide proof of truth.

Under the law, even if the accused fails to prove the truthfulness of the allegations, he will not incur any penalty if he can at least prove that he had serious grounds to hold them in good faith to be true.

Such proof can only be based on facts and circumstances known to the writer at the time when the offending allegations were made and not on facts or circumstances occurring after the allegations (AFT 107 IV p. 34).

The author provides evidence of good faith if he establishes that he believed in the truth of the allegations after having conscientiously done all he could be expected to do in order to ascertain that the information was well-founded (ATF 85 IV p. 184).

Thus the question that should be considered is whether the author complied with the obligation of prudence generally incumbent on anyone who casts a slur upon the honour of another person.

The Federal Court requires particular prudence from those whose allegations are widely disseminated through the press.

In the view of the Federal Court, wide dissemination coupled with the suggestive power inherent in a printed text increases the gravity of the slur.

Requirements as to the observance of the duty of verification must therefore be particularly stringent in such cases (ATF 104 IV p. 16; Denis Barrelet, Droit Suisse des Mass Media, 2nd ed., p. 143, and previously cited references).

For those who transmit their views through the press, the duty to respect the truth involves an obligation to make a scrupulous check of the opinions he expresses.

When a journalist repeats statements made by a third party, he must exercise particular prudence if he is unaware of that third party's reputation and standing or if it is clearly evident that the information is based only on assumptions (ATF 105 IV p. 119; Denis Barrelet, op. cit., p. 143).

In the case under consideration, it is obvious that the mere fact of placing the statements of Mr. Kazem Radjavi's brother in quotation marks did not relieve Mrs. Myriam Gazut Goudal of the duty to check the reliability of the information.

The continuing existence of that duty is all the more evident as the action here amounted to no more and no less than an open accusation naming certain individuals as being the indirect perpetrators of a crime.

The fact that the newspaper La Suisse had only limited time to carry out the necessary verifications does not in itself constitute an adequate excuse in view of the seriousness of the allegations.

The Tribunal thus deems that the author of the article cannot claim to have discharged the obligation of prudence by the sole fact of having tried unsuccessfully to reach the diplomatic and consular authorities of the Islamic Republic of Iran in Switzerland by telephone.

On the other hand, the Tribunal will take into consideration the fact that the accused was influenced by the reputation and activities of the Radjavi family, as well as by various reports of international bodies concerning clashes between the authorities and opposition movements, in particular those which have taken up arms inside Iran (see the statements of various witnesses concerning the Mojahedin, and in particular the statements of the witnesses Alavi and Asgari-Zadeh).

Mrs. Myriam Gazut Goudal was well aware that members of the Radjavi family are known opponents of the regime in power in Iran.

Mr. Kazem Radjavi was closely associated with the Mojahedin, a group engaged in struggle against the authorities in Iran.

In fact, Mr. Kazem Radjavi's brother was the Mojahedin's leader.

Mrs. Myriam Gazut Goudal was aware, in particular through Mrs. Claudine Rey, that Mr. Kazem Radjavi had in the past received threats in connection with his activities at the United Nations.

Mrs. Myriam Gazut Goudal, who, according to her statements, has made several studies of the current situation in Iran, was thus aware of the strong tensions existing between opposition groups - and, in particular, the Mojahedin - and the authorities.

This is amply demonstrated by the files available to her while writing the article.

She was in possession of press articles on the Iranian question going back to 1979, and she personally had written articles about Iran.

Lastly, in view of the reports prepared on the situation, in particular by organs of the United Nations and by Amnesty International, Mrs. Myriam Gazut Goudal could have believed subjectively that Mr. Kazem Radjavi had indeed fallen victim to those tensions and violent confrontations.

As stated in its judgement of 17 May 1991, the Tribunal considers that it was of public interest for the general public to be informed of all the consequences caused by the serious crime which was committed in our country on 24 April 1990, unquestionably to the great concern of the population.

Furthermore, the public interest attaching to the dissemination of the information is also covered by the freedom of the press, as enshrined in the Federal Constitution (see Barrelet, op. cit. p. 343), as well as by the European Convention on Human Rights.

Article 10 of that Convention expressly sets forth the right to impart and receive information.

The statements made by the Radjavi family at the press conference which followed the assassination of Kazem Radjavi were of an extremely serious nature.

The Tribunal will recall, moreover, that in the present instance it is not called upon to judge whether those public declarations were well-founded, but only to determine whether the attitude of the journalist who, like other members of her profession, reproduced them, is reprehensible from a penal point of view.

Notwithstanding their extreme nature and despite the doubts that may legitimately be entertained on their score, the Tribunal will concede that, in view of the circumstances recalled above, those statements did not appear to Mrs. Myriam Gazut Goudal to be manifestly unwarranted.

The Tribunal will thus concede that, from a purely subjective point of view, Mrs. Myriam Gazut Goudal had reason to believe in good faith that the information given at the press conference was sufficiently credible to be reproduced in the daily La Suisse on the same grounds as the Iranian authorities' denial which was published in a later issue of the same paper.

For those reasons, the Tribunal will judge that, in view of all the circumstances, Mrs. Myriam Gazut Goudal has proved her good faith and will therefore acquit her.

With regard to costs, article 97, paragraph 2 of the Geneva Code of Criminal Procedure, which provides that in the event of acquittal the State costs as well as those of the accused shall be chargeable to the claimant for criminal indemnification, will be applied.

The Tribunal will, furthermore, sentence the Islamic Republic of Iran to pay a portion of the lawyers' fees incurred by Mrs. Myriam Gazut Goudal, the amount being determined by reference to article 12 of the Rules on costs and expenditures arising from criminal proceedings, bearing in mind the complex nature of the case, the duration of the procedure and the fullness of the debates.

For these reasons

With reference to articles 1 ff. and, in particular, 173, ch. 2, and 296, Swiss Penal Code; 55, Federal Constitution; 10, European Convention on Human Rights; and 97, 219 ff, Geneva Code of Criminal Procedure.

The Tribunal

giving judgement by the adversary method,

ACQUITS Myriam Gazut Goudal of the charge of having insulted a foreign State within the meaning of article 296 of the Swiss Penal Code in connection with the article published on 26 April 1990 in the newspaper La Suisse;

Sentences the Islamic Republic of Iran to pay a portion of Mrs. Myriam Gazut Goudal's legal fees in the amount of SwF 5,000;

Sentences the Islamic Republic of Iran to pay procedural costs amounting to SwF 2,984, in which shall be included an adjudication fee of SwF 500;

Orders the present judgement to be communicated to the Department of the Federal Public Prosecutor for the attention of the Swiss Federal Council.

Notice to the accused: Myriam Gazut Goudal

The undersigned has received a true copy of the present judgement.

Geneva, 31 July 1991 Signature:

Notice to the claimant for criminal indemnification: Islamic Republic of Iran

The undersigned has received a true copy of the present judgement.

Geneva, 31 July 1991 Signature:

Notice to the Public Prosecutor

The undersigned has received a true copy of the present judgement.

Geneva, ... Signature:
